NEUTRALS—3.

1	Mr. K. P. Abraham.	3	Mr. M. Mahomed Mustapha.
2	Rao Bahadur K. A. Krishna Aiyangar.		

The motion was declared lost, 18 voting *for* the motion, 24 *against* and 3 remaining *neutral*.

THE REVENUE RECOVERY REGULATION AMENDMENT BILL.

PRESIDENT: We now resume the consideration of the Revenue Recovery Regulation Amendment Bill.

MR. A. THANU PILLAI (*Trivandrum*): Sir, I beg to move that the following proviso be added after the Explanation.

> "Provided that the powers to be exercised by Peishkars and Tahsildars under this Regulation shall not be vested in any employee of the Sreepadom Palace."

Sir, in the last resort, I am moving this amendment. Section 58 of the Revenue Recovery Regulation says that the Government may, by name or in virtue of an office, empower any person to exercise the powers conferred upon the Peishkars, Tahsildars and Proverthicars, under this Regulation. The present Amending Bill is intended to define the term "*officer*" and it adds an explanation to the effect that the expression "*officer*" includes, for the purpose of this Section, every officer of our Government and every officer of a Municipality as also every person employed for, engaged in or responsible for the collection of public revenue or dues to any local authority. Now, in connection with my amendment, the expression "*every person employed for engaged in or responsible for the collection of any public revenue*" has to be considered. The term "*public revenue*" is defined in the Regulation so as to include *patton* due to Sreepadom. So, if the Amending Bill is passed into law, as it is, the Government can empower any employee of the Sreepadom Palace to exercise the powers of the Peishkars, Tahsildars and the Proverthicars under the Regulation.

Sir on a former occasion, I made clear, at any rate I tried to make clear, the dangers in confering these powers on the officers or the employees of an institution like the Sreepadom which is after all only a private body. Now, my only chance is to see how far I can succeed in minimising the bad effects of the proposed measure when it becomes law.

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated, Deputy President*): May I just put one question to my friend? Is it necessary to delegate Peishkars' powers to anybody? My friend's suggestion is that the powers should not be extended to the employees of the Sreepadom Palace. I go further and ask my friend whether it is necessary to extend the powers of the Dewan Peishkars even to the Municipalities or to the Village Panchayats. Because, under the statutes under which these bodies have been constituted, only movables

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could be seized. So, my suggestion is that there is no necessity of the delegation of the powers of the Peishkars to any of these institutions.

MR. A. THANU PILLAI (*Trivandrum*): I do not understand the Deputy President's question.

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated, Deputy President*): Apparently my friend has no objection to Peishkar's powers being delegated to officers of institutions other than the Sreepadom Palace. My question is, is it necessary to delegate the powers of the Division Peishkars to *any* institution, be it the Municipalities or the Village Panchayats; let alone the Sreepadom Palace? My suggestion is that the powers of the Division Peishkars ought not to be delegated to any institution be it the Sreepadom or the Municipalities; because, there is no necessity for them to exercise Peishkars' powers.

MR. A. THANU PILLAI (*Trivandrum*): But the learned Deputy President was himself the President of the Select Committee on this Bill, and he has allowed it.

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated, Deputy President*): You do not find a word there about Peishkars' powers being conferred on these officers.

MR. A. THANU PILLAI (*Trivandrum*): Is it his view that it would not be *desirable* to invest these officers with Peishkars' powers, or that no occasion would arise for the exercise of Peishkars' powers by these officers?

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated, Deputy President*): According to me, there would be no necessity. Because, from the nature of the Municipal Regulation and the Village Panchayat Regulation, they cannot proceed against immoveable property. Only moveable property is within their purview, and for that Tahsildars' powers would be quite adequate.

MR. A. THANU PILLAI (*Trivandrum*): It is very strange that the Deputy President agreed to the delegation of Peishkars' powers to these officers while he was presiding over the deliberations of the Select Committee, and now says that there is no necessity for investing these officers with Peishkar's powers.

PRESIDENT: It is open to a member to express in the Council a view different from the view that he expressed in the Select Committee. He cannot be estopped by the views expressed by him in the Select Committee.

MR. A. THANU PILLAI (*Trivandrum*): I do not *object* to that.

PRESIDENT: It is open to you to accept his views or not.

MR. A. THANU PILLAI (*Trivandrum*): For the time being, Sir, I am not concerned with the Deputy President's present opinion or the opinion that he has recorded in the Select Committee. My amendment is to the effect that the powers of Peishkars and Tahsildars should by no means be delegated to the officers of the Sreepadom

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[Mr. A. Thanu Pillai.]

Palace As I have already stated, my real objection is that absolutely no powers, even the powers of the Proverthicars, should be allowed to be exercised by the employees of the Sreepadom Palace.

PRESIDENT: That does not arise on your motion.

MR. A. THANU PILLAI (*Trivandrum*): I refer to it simply to show that my objection relates to the powers, of all these three grades of officers, being conferred on the officers of the Sreepadom Palace. But since it is not possible to do it now on account of the principle of the Bill having been accepted by the House, I am confining myself to the powers of the Tahsildars and the Peishkars.

Sir, under the Revenue Recovery Regulation, the powers of the Tahsildars and the Peishkars are very extensive. In regard to the distraint of movable property, the Tahsildar is empowered to do it. It is he who issues the demand notice calling upon the defaulter to pay up the dues in arrears. After the demand notice he distrains the property, himself or through the Proverthicar. Similarly, he can also attach immoveable property, either himself or through the Provethicar. And then, he can sell the moveable or immoveable property. The Peishkar can confirm the sale and also grant a certificate of sale conveying a perfect title to the purchaser of the property. Sir, these are the wide powers of the Tahsildars and the Peishkars. I do not think I need dilate very much on this matter to convince the House of the dangers of such powers being conferred on the employees of the Sreepadom Palace. And under the present Revenue Recovery Regulation it is possible to sell, not merely that property on which the tax is due but also other immoveable property belonging to the defaulter. There is provision to that effect. That matter was subjected to discussion in this House some time back, and the learned Law Member took the view that properties other than those on which the tax was due could be sold for the realisation of arrears. If, under such circumstances the present Bill is passed without my amendment the officers of the Sreepadom Palace also would have the power to sell properties other than those from which the *pattom* is due.

Then, there is the question of claims preferred by third parties on properties sold for default in payment of dues; and such claims have to be investigated and decided. That is really a judicial function which only responsible and qualified officers could be expected to discharge properly. And we do not know the harm that would result from officers of the Sreepadom Palace being invested with these powers. In the case of Tahsildars, we all know that it is only officers with long experience in service that are appointed as Tahsildars and that they are generally Graduates-in-Law; but in the case of the Sreepadom Officers that will not be so. Even if the highest officer of the Sreepadom is invested with powers of a Tahsildar there will be very great cause for alarm. But, after all, who is the highest officer in the Sreepadom Palace now? I put the question the other day to the official benches, and the reply was, if I remember right, that he is not a graduate; he has no qualification in law.

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MR. RAMA VARMA RAJA (*Edavagai*): He *has* qualification in law.

MR. A. THANU PILLAI (*Trivandrum*): Is he a graduate?

MR. RAMA VARMA RAJA (*Edavagai*). He is not a graduate.

MR. A. THANU PILLAI (*Trivandrum*): Then, we know what sort of qualification he has in law. Let us assume for a moment that the Government will not invest the powers of the Dewan Peishkar but only that of the Tahsildar on the highest officer of the Sreepadom Palace, What would be the situation then ? My friend Mr. Raja tells us that he has some qualification; what qualification in law can persons, who are not garduates, get? And then he discharges the function that a Tahsildar in Government service is to discharge. The Tahsildar is a man of long experience; he is generely a ripe man and a graduate-in-law.

MR. E V. KRISHNA PILLAI (*Kottarakara* cum *Kunnatur*): Will the member be satisfied if a change in the personnel is made?

MR. A. THANU PILLAI (*Trivandrum*): Certainly not. What I say is that these are the conditions that obtain in the Sreepadom Palace. That is what I am at. Of course there is also that aspect of the matter. And then whether the Sreepadom Manager or the highest officer in Sreepadom is a lettered man or not I do not know. Probably he knows some thing. Is it enough? He has a right to distrain immovable property. Suppose he enters upon the dwelling-house of a tenant and takes away the moveables of that tenant. He has to dispose of claims that may be preferred before him in regard to distraint of immovable property. Are these powers to be allowed to be exercised by one who has no qualification? In the case of even the Proverthicars we hear the Land Revenue Commissioner emphasising the fact that only trained and experienced Accountants can be promoted as Proverthicars. Such being the case for promotion in it that is Government service, what is taking place in the Sreepadom? Even in the case of Tahsildars' powers, I would say that it is highly dangerous and that we would be going against all accepted opinions and principles of legislation and that the House would be failing in its duty if we allow the powers of the Tahsildar to be conferred on a Sreepadom employee. If we allow Government to exercise this power and confer it on any person they like, the Sreepadom may be able to make the Government confer this power on anybody they like. They will say "This man has been here long; even though he is not a graduate, he has a lot of experince. He may be invested with these powers". It may not after all be difficult for the Sreepadom to influence Government and to induce them to confer this power on their manager. This House should by no means be a party to place the Government in that position.

MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*): Wahtever may the qualifications, are his actions subject to criticism in this House ?

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MR. A. THANU PILLAI (*Trivandrum*): I have dwelt on that question at very great length on a former occasion. He may misconduct himself. He may wilfully and maliciously harm poor tenants. There is no remedy. He cannot be removed by the Government.

PRESIDENT: The power may at any time be withdrawn by Government.

MR. A. THANU PILLAI (*Trivandrum*) But, Sir, to me it appears that the fact that the powers may be withdrawn at any time cannot help us at all. Suppose an officer, out of pure malice, merely to molest and dishonour a man, enters into that man's dwelling-house and removes his moveables without adequate reasons; suppose the Manager of Sreepadom Palace does this wilfully, maliciously and purely to satisfy his personal spite, what can the Government do? Can they fine him one cash?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): He can be prosecuted.

MR. A. THANU PILLAI (*Trivandrum*): You will give him the power and ask the poor tenants to prosecute him, yourself standing aloof and looking on. I did not expect such an argument from the Law Member. I ask whether we have got any control over the employees. We cannot control their actions. We cannot punish them and we cannot do anything with them. The Sreepadom is thoroughly independent of us. And the Law Member says that if the Manager of the Sreepadom Palace misconducts himself you can go and complain against him.

PRESIDENT: Did he say 'You go and prosecute'?

MR. A. THANU PILLAI (*Trivandrum*): The tenant! He will not do it; much less will the Law Member do it.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Government will do it. Government prosecute in every case.

MR. A. THANU PILLAI (*Trivandrum*): Anyhow let us not create a situation like that. So Sir, whatever that may be, certain amendments were moved last time relating to the Sreepadom employees' qualifications. Government were not prepared to say that they would invest only such officers with these powers as they can control and" as have certain standards of qualifications. They said "nothing can be done." Several amendments were moved on that occasion, as the proceedings will show, attempting to define the qualifications of the officers and vesting control over the officers. All those amendments were negatived. Government can do nothing with regard to that. In the last resort it is said that the proceedings under this Regulation may be challenged before the Land Revenue Commissioner or the Dewan. I have some experience of that. The less said about it the better. I do not blame the Dewan or the Land Revenue Commissioner. It is only in cases of gross violation of the law thatthey will in terfere in revision. So, absolutely no relief can be obtained in that way. It is highly detrimental to invest the Sreepadom Palace with the powers of a Dewan Peishkar.

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I have also to answer one question of the Deputy President. As the law now stands the powers of the Dewan Peishkar can be delegated to the manager. That was what he said. I do not know what he meant when he said that the occasion does not arise. Section 58 clearly says :

"Our Government may by notification in the Gazette authorise any officer by name or by virtue of the office to exercise all or any of the powers conferred by this Regulation on Division Peishkars, Tahsildars or Proverthicars."

The amending Bill defines the expression 'officer' as "every officer of Government and every officer of a Municipality as also every person employed for, engaged in or responsible for the collection of any public revenue or the dues of any local authority." 'And public revenue,' is so defined as to include *pattam* due to Sreepadom and 'any person' will include any person employed by the Sreepadom.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*) : Does the member think that it is safe to confer such powers on the Presidents of Municipalities in view of the results we are obtaining at municipal elections of presidents now ?

MR. A. THANU PILLAI (*Trivandrum*): Certainly not. Anyhow, I am not speaking on that matter now.

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*) : May I know whether he has any idea of the remuneration given to the Manager of the Sreepadom Palace ? I ask it just to have an idea of his status.

MR. A. THANU PILLAI (*Trivandrum*) : The remuneration given to the Manager of the Sreepadom does not give any indication whatever of his status. It may be somewhere about Rs. 100, or probably less. I do not know what it is exactly. Any person who is in favour with the people controlling the Sreepadom may become an employee of Sreepadom. They may give him Rs. 5,000 if they like. How is that an index of his character, capacity and responsibility ? Apart from that, Sir, this power should by no means be vested on the persons over whom Government have no control. Why not Government take the administration of the Sreepadom in their own hands and administer it themselves ? Government may very well do that. Or, the Sreepadom establishment may be made part of the Government establishment. I have no objection. I speak with very great respect to the authorities of the Sreepadom. I would not raise the slightest objection if the Sreepadom establishment is controlled by Government, by Government agency, Government appointing their men according to the Civil Service Rules and then authorising these officers to do whatever they like under the Regulation. Government may even incur the cost; because, after all, the Sreepadom is a part of the Palace. So long as Government have nothing to do with that and the officers of the Sreepadom are quite independent of the Government, these powers should not be allowed to be exercised by the officers of the Sreepadom. That is all my complaint. As the amending Bill now stands, the powers of the Peishkar can very well be delegated to any officer of the Sreepadom.

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[Mr. A. Thanu Pillai.]

To summarise, I say that, if possible, the Bill should be thrown out. But that is not possible as things stand. Then, the Proverthicar's powers may be allowed to be exercised by the Sreepadom authorities. I do not say that can be allowed but let us at least stop with that. The Tahsildars, and Peishkars' powers should by no means be allowed to the Sreepadom authorities. That is my amendment. I wish to know how the Government Benches view this amendment.

MR. S. KRISHNA PILLAI (*Karunagapalli*) : Sir, I second the motion As the Bill now stands, read along with the amendment now proposed by Government, it strikes me that there is some real difficulty in getting he amendment passed, as well as the Bill itself. The amendment proposes to define the expression 'officers'. That expression alone finds a place in Section 58. Officers under the Revenue Recovery Regulation are the officers referred to in the various Sections from 3 to 57—they are Proverthicars, Tahsildars, Dewan Peishkars, Land Revenue Commissioner and the Dewan. The Officers that ordinarily exercise the powers under the Revenue Recovery Regulation for the realisation of the land revenue are these classes of officers,—Proverthicars, Tahsildars and Dewan Peishkars. I submit, if the amending Bill is allowed to stand as it is, it might make it difficult for us to give the status—it might make it difficult for us to give the powers of the Dewan Peishkar and the Tahsildars to the Sreepadom. Although from the proceedings published in the New Edition of Unrepealed Regulations, it is found that the Kandukrishi Vicharippukars are invested with the powers of Proverthicars, that was done because the administration of Kandukrishi forms part of the general revenue functions of Government. It was only necessary to invest the powers of Proverthicars on Kandukrishi Vicharippukars. But not so the Sreepadom Palace. If the expression 'officer' is retained there as it is sought to be defined, it will be impossible for the Government to give the powers which alone they want. Because when the expression 'officer' includes Tahsildars, Provetrhicars and Dewan Peishkars, Government may not be able to say "We shall grant only these powers to the officers and nothing more." They might be compelled to give more powers. They might be compelled to give those powers to every class of officers. If that be so, if this House is going to confer the powers on officers employed in the Sreepadom Palace, my submission is that this House will not be entitled to be called by the dignified name by which it likes to be called—the Legislative Council of the State.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Is it not in the discretion of the Government to confer the powers or not to confer ?

MR. S. KRISHNA PILLAI (*Karunagapalli*) : It may be in the discretion of the Government, but that discretion will be forced upon them. It will be exerted on them. If you have got the power to invest on the Sreepadam officers, you will have to do it. The Government will have no justification for not doing it. It is therefore I say that if

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Government were to be armed with the power of investing these powers on all classes of officers would be only at a disadvantage; they would not be in a position to give this power in the way in which they ought to. Therefore it is I say, in the interests of the people of the land, in the interests of the prestige of this House and in the interests of Government, this discretion ought not to be permitted to stand as it is put forward in the Bill.

MR. A. THANU PILLAI (*Trivandrum*): Does not the member recognise that there are limits to which powers may be exercised?

MR. S. KRISHNA PILLAI (*Karunagapalli*): That is what I say. If the Government are allowed to exercise the powers unfettered, they might be compelled to exercise them in the extensive application of this Section under the Revenue Recovery Regulation. It may not be possible for the Government to say "We shall not do it because the Manager of the Sreepadom is not a graduate, he is not a person who can be trusted with these powers," Government will not be in a position to say that. Therefore, my submission is that if the Government are invested with only such power as is absolutely necessary for the convenient exercise, for the convenient employment of the powers under the Revenue Recovery Regulation, they would be in a safer position; the House would be in a better position. Therefore, in the absence of any possibility for this House to carry through any amendment which would exclude the Sreepadom Palace from the operation of this Section, my submission is that Government should be invested only with the minimum power which will save them from the difficulty they might hereafter face when they seek to exercise that privilege. My submission is that this fact will be brought all the more pointedly to the House if the House would realise that Sreepadom lands were for the first time brought under the Explanation to Section 3 of the Revenue Recovery Regulation in about 1892. It is now over 38 years since that amendment was passed. All these 38 years, no officer of the Sreepadom was ever invested with any of the powers, at least not to the knowledge of any one of us or any one of the public. It would appear from the various proceedings passed that no one of the Sreepadom officers was invested with any of the powers under the Revenue Recovery Regulation; and still the Sreepadom Palace was able to carry on the administration. The only departure made was in the case of Kandukrishi lands. That explanation is also there. It was justified because the officers of Kandukrishi lands are under Government. They are liable to be removed by Government and they are paid from the general revenues. So it was that even persons in management of Kandukrishi lands were invested with the powers of Proverthicars. Even they have got only the powers of Proverthicars. My submission is therefore that no larger powers need be conferred on the Manager of the Sreepadom land. As is seen from the Regulation itself this expression 'Sreepadom' was introduced in Section 3 at the instance of a non-official of this House; and he said Sreepadom is similar to the Kandukrishi lands. All on a sudden it was incorporated in Section 3. My submission is that these Vicharippukars of the Kandukrishi

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[Mr. S. Krishna Pillai.]

lands are invested with the powers of Proverthicars. My submission is that it is not necessary to invest more powers on the Sreepadom officers. It is also necessary in the interests of the subjects of the State that larger powers are not given. I do not want to repeat the arguments advanced by my friend. All that I submit is that in defining the expression "officer" large departures ought not to be permitted from the ordinary meaning attached to that expression. I tried to find out the legal importation of the word 'officer'. I looked up Wharton's Law Lexicon. The word 'officer' does not occur there, but 'official' occurs there. The only Regulation that defines the word 'official' is Regulation II of 1097. In ordinary parlance an officer has got a particular meaning. In the General Clauses Act that expression has not been defined, and the only place where 'official' occurs is Regulation II of 1097. In Section 3 of that Regulation, 'official' is defined as a Government servant, somebody attached to the Government. It is that officer that is defined as 'official' under the Legislative Council Regulation.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Is there not such a term as 'the officer of a company' ?

MR. S. KRISHNA PILLAI (*Karunagapalli*) : There is the officer of a company : there is ecclesiastical officer and all those things. I can understand that. But when Government say that an officer should be invested with powers, and when the word official itself has been defined by one of the Regulations, I cannot understand why a wholesale departure should be made when we go to the Revenue Recovery Regulation. Under this Regulation 'officer' was understood only in a particular manner. Sir, you will find that this expression 'officer' occurs in about fifteen places in Sections 3 to 57 ; and in all those places, I would submit, that a person would understand 'officer' to mean a Government servant. Here, when we go to Section 58, it includes Government servants and also one who is not a Government servant. That is how a person would understand it. My submission is that we must prevent violent advances in the matter of interpretation of words or expressions. If that is done, my submission is that it would be possible to give satisfaction to a large class of the people who apprehend that if this expression is defined in the manner in which it is defined in the amending Regulation it would infringe the liberty of the people.

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated, Deputy President*) ; Is the member agreeable to the delegation of the powers of a Dewan Peishkar to Village Panchayats with an income of over Rs. 500 a year ?

MR. S. KRISHNA PILLAI (*Karunagapalli*) : I am certainly agreeable to that course, because my impression is that it will be a body which will be managed by and on behalf of the people. It is a legislative body; it is a body that will have to answer for everything that may be done ; it is liable to be criticised in this House, and it is a body that will be open to correction. My friend will not certainly treat the Village Panchayats on the same footing as the Sreepadom lands, or the

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Sreepadom establishment. I am myself well able to see that not one of the acts of these officers will be questioned by us—not one of the acts will probably be complained against and redress or remedy obtained in the Law Courts. It is an open secret; every one knows it: there is no use of comparing the Sreepadom with the Village Panchayats. There is no use comparing the Sreepadom with the Municipal Establishment which under Section 294 C of the Municipal Regulation is an establishment whose appointment, fine, suspension and dismissal can be questioned by the Government itself. Therefore, there is absolutely no comparison between the Sreepadom institutions with any other institution in the State on which authority has been conferred by the Government for the purpose of carrying on its own administration. It is useless to make any such comparison. Here, we are trying to confer certain powers over an autocratic establishment, whose powers are likely to be abused and which abuse or misuse is beyond the control or criticism both of Government and of this House. It is that fear that prevents many of us in supporting this Bill. As responsible representative citizens, we are here to safeguard the interests of the public at large. We are here to protect the powers that the people have or that the people are expected to exercise as much as possible.

It is that, I submit, which prevents us from supporting a Bill of this nature. The long absence, rather the period during which Sreepadom was not permitted to exercise any of these powers, would show that this House is now not in the position in which it was a few years ago. It would appear that the Government were not able to get, a few years ago, what the Government seek to get now on the pretext that it is only amending a small expression or trying to interpret a small word contained in one of the Regulations. That, I submit, this House is unwilling to support. We are very much in sympathy with the Sreepadom establishment who might require to realise their revenue as speedily as any other body or authority want to do it, and for that purpose, my submission is that the Government must appoint its own officers to help these people or to exercise these powers. If that were done by the Government, all these difficulties would have been avoided. We did the same thing in the realisation of rent in connection with the Munro Island. It is proposed to do the same thing in connection with the realisation of *michavaram* and other things due to the Jenmis. It is probably because it is not treated as land revenue. Rent for Sreepadom is in no sense revenue though it is defined as such in the Regulation. It seems, as it were, an interpolation made without any forethought, without any discussion. I think that that alone gives room for all this difficulty. But you will find, either by mistake or otherwise, knowingly or unknowingly, Sreepadom lands have been brought within the Explanation of Section 3. My submission is, power for realisation of Revenue ought not to be permitted to be vested in persons over whom Government have no control. I submit, if that becomes impossible for this House, and if this House finds it difficult or impossible to throw out this Bill entirely, let us pass this Bill with the minimum amount of infringement of our rights. With these words, I support the motion of Mr. Thanu Pillai.

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MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): Mr. Thanu Pillai wanted, that the powers of Tahsildars and Dewan Peishkars under the Revenue Recovery Regulation, at least those powers, should not be extended to any employee of the Sreepadom Palace. Here, my friend was interrupted by a very suggestive question from the Deputy President, who asked him whether Mr. Thanu Pillai would be agreeable to these powers, namely, the powers of Dewan Peishkars, being extended to any private individual not under the direct employ of the Government. I think, Sir, that considering the wealth and the variety of experience the Deputy President can boast of, he is evidently thinking about the extension of such powers under the Municipal Regulation. He might have been tempted to ask this question with the best interests of the country at heart in view of the results of certain elections that took place very recently. I may be charged with the offence of running counter to the spirit of the times and to the dictates of democracy if I would in any way endorse the view expressed by the Deputy President. I would even suggest that the Government must consider twice before they indiscriminately extend such powers to persons who are incapable of and unqualified for exercising these powers.

Coming to the question, Sir, regarding the kind of people that these bodies like Sreepadom would be able to get as their officers, every one of us knows more or less. Probably, Mr. Madhavan Pillai might be able to tell us about a very interesting episode. A certain officer who had some 2 to 4 extensions to his credit, when he was retired on superannuation, was made the Dewan of a minor Zemindari beyond the ghats; and then that officer, when he took his re-birth after 70 or so as the Premier of a State, wanted to appoint a Chief Secretary. The choice fell upon a retired Proverthikar from Kulathur side. I actually saw that gentleman going about in Trivandrum proclaiming to his friends that he was appointed as the Chief Secretary of a Native State. What comparison is there between that retired Proverthikar and the learned Chief Secretary over there! Such is the kind of people that Sripadom authorities get for their service; and whenever I am reminded of any employee either of Sreepadom or of these jenmis or even of these Zemindars, I could visualise before me, one particular individual mostly belonging to that class, of whose existence we know, I mean these Yela Vakils, with an extensive cultivation of itches all over their body and with a lean and hungry look. It is such kind of people that Sripadom Palace can get. We need not shut our eyes to this fact. These are things witnessed by us every day. I have seen for myself, chiefs in my place employing such people. Sir, they are to be invested with the powers that are being enjoyed and exercised by such respectable officers of Government as Mr. Paramesvara Aiyar, or Mr. Ramasubba Aiyar or Mr. Nilakanta Pillai! Take it from me, these people are probably far shrewder, more astute and far more intelligent than many of our officials. They know how to squeeze the people whom they hold under their

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grip. What would be the magnitude of havoc those people would do, if they are sent out to the poor ignorant people of country parts, armed with the powers now sought to be conferred on them! It is something which is beyond our imagination. I would put before you such probable cases quoting the Sections under which these pests would intervene. In Section 7 of the Revenue Recovery Regulation there is a provision under sub-clause 3 which runs thus:—

"On the day on which the property may be distrained, the Tahsildar or other person making the distress shall deliver to the defaulter a list or inventory of the property distrained, endorsing thereon the name of the place where it may be lodged or kept."

This contemplates the degree of responsibility on the part of the officer who is to see that these arrears are paid in time, who is to see the alternative provisions of the law applied in cases of default. Then just imagine such people, acting under these clauses, I repeat, these Yela Vakils-trying to mete out justice to the defaulters. They would see that some record is made to make it appear that the provisions of the Regulation are applied. But what they will be more earnest about is that costly things are not brought on record but thrust into their pockets.

For every such little thing, if the Law Member would advise the poor ignorant rural people to go to a Court of Law to prosecute the employees of the Sripadom Palace, or, if the Law Member would chivalrously expose their cause or give an undertaking to this House that he would do so from the day on which this Regulation comes into force, if all such prosecutions are conducted by him, certainly, we know what weight can be attached to these words!

Then, there is another provision. This so-called Dewan Peishkar or so-called Tahsildar is to prepare some inventory of articles he wants to take and then he has to give a list of these articles to those people. Suppose he goes to a village and gets into the house and seizes some article which he wants to misappropriate for himself. Then it is very probable, that among the inmates, there would be none who knows how to read and write. Even if there is anybody, as was suggested by my friend Mr. S. Krishna Pillai, it would be impossible for those people to make their claims heard, by these kinds of officers, who visit them in the nature of a visitation. Then these people would be served with the copy of such inventory of articles, take it from me, such copies as would suit their convenience. We see, Sir, so many provisions regulating the procedure to be adopted by these officers. That is why, I submit, the Law Member does not foresee all these things when he seeks to bring this amendment in the Regulation. Where is the guarantee, Sir, that all these provisions will be adhered to by the so-called Dewan Peishkars and Tahsildars whom you are going to bring into existence to the detriment of the welfare of the people? So my submission is the House cannot go back upon the decisions already made and so we would give out this piece of legislation with the least possible evil, namely, at least these powers be reserved with the Government and not be extended to these officers.

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MR. K. KUNJUKRISHNA PILLAI (*Quilon*) : May I know whether it is good to give the powers of the Dewan Peishkars to the Presidents of Municipalities?

MR. E. V. KRISHNA PILLAI (*Kottarakara cum Kunnattur*) : I submit, it was the first point dealt with by me when my friend was absent. I strongly endorse the view expressed by the Deputy President that the Government should exercise their discretion, and then see that such persons who cannot exercise those powers satisfactorily should not be invested with such powers. That is my humble view.

MR. K. P. MADHAVAN PILLAI (*Chirayinkil*) : Sir, I support the amendment brought forward by Mr. Thanu Pillai with a view that this House should have sufficient control over some powers that this House is going to give to Sripadom authorities. I am not saying that the Sripadom Palace employees should have any obstacle in realising their revenues due from Sripadom estates for a long period. In the past, the difficuty now felt has not been experienced by Sripadom officers. I do not know why this urgency came up just now. However one point that I want to urge upon this House is, whether the powers that this House intends to extend to Sripadom officers could be controlled by this House itself. We are at liberty to grant certain powers. But can we control them? So far as my knowledge goes I think it is beyond the control of this House.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Cannot the House repeal this measure after it is passed ?

MR. K. P. MADHAVAN PILLAI (*Chirayinkil*) : My question is whether we can criticise the policy of the officers if they abuse powers conferred on them. That is my position.

MR. A. THANU PILLAI (*Trivandrum*) : Can we say anything now about Sripadom employees except in regard to this measure here ?

MR. K. P. MADHAVAN PILLAI (*Chirayinkil*) : We cannot do anything more than that.

Another thing that I want to bring to the notice of Government is, that Government have no control at all over these officers. The Travancore Service Regulation is not applicable to them. There is no minimum qualification also prescribed for making appointments in the Sripadom Palace office. The collection of taxes is being conducted as effiiciently as in any Government institution. Therefore, my submission is, that there is no urgency to bring about this piece of legislation all on a sudden, and that by infringing the rights of the people and by conferring such large and extensive powers over unqualified persons employed under the Sripadom administration. Unless this House has the power to criticise and supervise the policy adopted by the Sripadom Palace officers, such a piece of legislation should not be allowed. It is because of that, I support the amendment made by Mr. Thanu Pillai.

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MR. K. KUNJUKRISHNA PILLAI (*Quilon*) : May I know the approximate number of tenants affected by this piece of legislation in his constituency? I understand that they are mostly in the Chirayinkil taluk.

MR. K. P. MADHAVAN PILLAI (*Chirayinkil*) : I believe it is over a thousand.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Sir, I oppose the amendment. In doing so, I may remind the House, at the outset, that, as regards the powers of Peishkars which may be conferred under the Bill, I said even on the last occasion, that it was not the intention of Government to confer such powers although the measure as it stands would enable Government to confer such powers also.

MR. A. THANU PILLAI (*Trivandrum*) : May I know what he means by saying that it is not the intention of Government to do a thing when the law is sought to provide for that?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : The meaning is quite plain. Government do not intend to do it although they have the power to do it.

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated, Deputy President*) : May I know whether he is agreeable to expressly exclude powers of the Dewan Peishkars?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : If any amendment had been brought I might have considered it, and I would not perhaps have opposed it.

MR. A. THANU PILLAI (*Trivandrum*) : Does the Law Member speak for future Governments also? I mean Government 10 years hence, or a Government three months hence, or, does he speak for this Government?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : I speak on behalf of that Government also. If I speak to-day, I speak for *the* Government which, it need hardly be said, is continuous.

MR. A. THANU PILLAI (*Trivandrum*) : May I know whether it is the intention of Government that is sought to be expressed in enactments when he brings forward such measures, or is it something other than the intention that is sought to be provided for?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : The Bill as it has been introduced would enable the powers of the Peishkar being conferred. That was intended. But it was not intended and it was not in the contemplation of Government to exercise the power and actually confer Peishkars' powers on Sripadom employees.

MR. S. KRISHNA PILLAI (*Karunagapalli*) : Is it not possible for the member himself to introduce an amendment to take away the right to confer Peishkar's powers?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : It is open to any member.

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MR. S. KRISHNA PILLAI (*Karunagapalli*): Is it not open to the Law Member?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Probably it may be.

MR. S. KRISHNA PILLAI (*Karunagapalli*): Then why does he not straightway do that rather than saying that it was not the intention of Government to do it?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I say it because, that is the fact. The Government did not contemplate the actual conferment of Peishkar's powers on Sripadom officers. At the same time, I do not say that Government will be acting illegally if they did confer these powers for themselves, the Government are quite confident that they will be able to exercise the discretion without giving room to any complaint. I say that the Government are prepared to consider any amendment because of the criticisms in this House and not because Government are afraid or that they apprehend any danger. Government will be exercising this power in no way other than what is proper. If the restricted amendment would be entirely acceptable to the non-official side I would perhaps have raised no objection, if that would have settled the whole autocracy. Then in speaking on the merits of the amendment before the House, I am afraid, I have to repeat what I said on two previous occasions. I shall not however detain the House very long and I shall only make a brief re-statement.

The first objection that was raised to-day was that the powers are being conferred on persons who are not officers of Government and as such are not under the control of Government. On this point, if you scan that criticism, it comes to this that the Government may appoint any person as Tahsildar or Peishkar. There is no control whatever in the hands of this House as regards those appointments. This House cannot say that so and so shall be apppointed as a Tahsildar, so and so shall not be appointed as a Tahsildar, nor can it say that such and such a person may be appointed as a Peishkar and such and such person shall not be appointed as Peishkar. But if the Government merely confer the Tahsildar's or Peishkar's powers on any person they chose, then comes the objection. It seems to me, Sir, that such an objection is quite illogical. If the Government have power to appoint anybody and if they can be trusted in that matter of appointing any person as Tahsildar I ask the question, cannot the Government be trusted to confer powers of a Tahsildar on any person at their discretion?

MR. S. KRISHNA PILLAI (*Karunagapalli*): I believe the Law Member understands that this argument implies that Government are prepared to appoint Honorary officers as Proverthicars or Tahsildars or Peishkars?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): That is not it.

MR. S. KRISHNA PILLAI (*Karunagapalli*): I believe his argument tends to that.

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MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : No. If, for instance, there is a person on whom powers of Tahsildar are proposed to be conferred and if that person is appointed under Government as Tahsildar he would be going and collecting taxes. No objection would be raised to that.

MR. A. THANU PILLAI (*Trivandrum*) : If it is objectionable, is not this Council competent to refuse his pay? Can that be done in the case of Sripadom employees?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : In regard to that appointment, the House has no control. Any person may be appointed as Tahsildar or Peishkar. Under such circumstances I ask the House, " cannot the House trust Government to exercise properly these powers vested on Government by this measure?" In one case Government are appointing a person as Proverthicar, etc. ,in the other case Government are conferring those powers on a person. What is the difference in substance so far as people other than Government are concerned?

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*) : Is it suggested that the powers of this House, in regard to Sripadom and Government service, are equal?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : I do not suggest that. I am saying that so far as this House is concerned, both are quite equal. It is exactly the same function that the Government are exercising in both cases.

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*) : Why does the member now agree not to invest persons with the powers of Dewan Peishkars?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Because of the apprehensions that are being raised here, not that Government are afraid to take this power. The Government are willing to take this power and they do not think that they will misuse their powers. The Government, however, feel that the powers of Proverthicars and Tahsildars are absolutely necessary.

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*) : How is it distinct from the powers of the Peishkars?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : It is defined in the Regulation.

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*) : What is the distinction I ask in the matter of conferring power and appointing persons?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Here, the general criticism is against this conferment of the powers of Proverthicars, Tahsildars and Peishkars.

PRESIDENT : The question of Proverthikars is not before the House.

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MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*): The Law Member said that the powers of Peishkars need not be conferred on Sripadom employees. Is the Law Member prepared to say that it would be enough if the powers of the Proverthicar and Tahaildar are conferred on them. I want to know what distinction he wants to draw between the powers of the Proverthicar and Tahsildar and Peishkar?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): The Government did not actually contemplate conferment of Peishkars's powers on the Sripadom employees.

MR. A. THANU PILLAI (*Trivandrum*): Are we very much concerned with that kind of argument? We are only concerned with real facts. We are concerned with a piece of legislation that is sought to be introduced. Are we concerned with, what is in the minds of the people which we cannot look on from the papers supplied to us?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I was answering Mr. Abraham's question. In answering that, I say that Government did not contemplate the conferment of Peishkar's powers?

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*): My question was whether there was any special ground in excluding Peishkar's powers.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Not that there is any special ground as for *excluding*. Government did not contemplate the conferring of Peishkar's powers on Sripadom employees as a matter of fact.

MR. S. KRISHNA PILLAI (*Karunagapalli*): Will the Law Member himself introduce such an amendment so that this House may discuss that amendment?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I shall consider that. But I do not give any undertaking. Of course, if it will be approved unanimously or almost unanimously and will help to cut short the present discussion, I have not the least objection to consider it seriously and forthwith, I only want 5 minutes to make the draft of an amendment. But is that assurance forthcoming?

Then, the next objection that was raised was whether an employee of the Sripadom is subject to the control of the Government. As I explained on two previous occasions, the control exercised may be over the functions or over the officers themselves, that is, over their persons. So far as the functions are concerned, the control is exercised by means of appeals and revisions. An appeal or what in effect is an appeal may lie against any power exercised by the Tahsildars or Peishkars. There is the authority of the Land Revenue Commissioner and the Dewan. In regard to the power of revision Mr. Thanu Pillai stated that that is very restricted and is not like an appeal. That is not so as a matter of fact as explained by me to the House on a previous occasion. Mr. Thanu Pillai was evidently thinking that the exercise of the power of revision

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by Civil Courts is analagous to the revision power under the Revenue Recovery Regulation. So far as this Regulation is concerned there is absolutely no restriction on the powers of revision.

Section 50 of the Regulation reads,

"The Dewan may, for sufficient reason, revise any orders passed or proceedings taken, by a Division Peishkar, Tahsildar or Proverthicar, under the provisions of this Regulation or may, generally or in certain cases or certain classes of cases, only delegate such powers of revision to the Land Revenue and Income Tax Commissioner."

These powers are now delegated to the Land Revenue Commissioner and the Dewan also may exercise powers, I think. The House will note that the Government never proposed to confer the powers of the Land Revenue Commissioner or the Dewan on any person other than officers of the Government.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*) : What is it that prevents Government from conferring the powers of Dewan Peishkars on the employees of the Sreepadom Palace?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : There is nothing, I admit. Under the provisions of this amending Bill any employee of the Sripadom Palace may be invested with the powers of a Dewan Peishkar. But as I said, Government do not contemplate the vesting of this power on any employee of the Sripadom Palace.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*) : It is suggested that Government do not at present want to confer the powers of a Dewan Peishkar on any employee of the Sripadom Palace. I wish to know from the Law Member why the distinction is made in regard to the vesting of the powers of the Tahsildar and of the Dewan Peishkar on the employees of the Sripadom Palace?

MR. A. THANU PILLAI (*Trivandrum*) : Does the member see any difference in regard to the revision or appeal in section 50 or are they alike?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : So far as the Section is concerned the power of revision is unrestricted.

MR. A. THANU PILLAI (*Trivandrum*) : What is the distinction between revision and appeal?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : In regard to the grounds on which the revisional authority may exercise his powers there is no distinction. But an appeal is the *right* of the subject; while Revision is perhaps a *discretionary* power. The authority may, for sufficient reasons, revise; that is all.

MR. A. THANU PILLAI (*Trivandrum*) : So, the Law Member concedes that a man cannot go and tell the Dewan "You look into the matter and give me redress".

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MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): The Dewan *may* revise; that is all. And the position is the same even as regards the Government officers' exercising powers of Peishkar or Tahsildar.

I was speaking of the control over the powers that may be conferred on and exercised by the Sripadom officers. I was referring to the unrestricted powers of revision. And in that connection it was asked "Suppose a person maliciously went and exercised the powers.' The reply, Sir, is that Government can withdraw the powers from such persons and then coming to the worst there is a right of civil suit which is expressly provided for by the Revenue Recovery Regulation in very large terms.

MR. S. KRISHNA PILLAI (*Karunagapalli*): Is the remedy against the Government or against the party who is infringing the right?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Both.

MR. S. KRISHNA PILLAI (*Karunagapalli*): Does the Law Member think that the Government and the members of this Council are two different entities one having no responsibility to the other. Are we not interested in the affairs of the Government. The Law Member said that there was also a right of civil suit. If the Government were hurled up in a court of Law and asked to pay any amount it is tantamount to saying, we are being called upon to pay?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I am prepared to admit that fact. I appreciate that feeling in the minds of members of this House and I wish they would extend a similar feeling to this Bill also.

MR. S. KRISHNA PILLAI (*Karunagapalli*): Am I wrong?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I appreciate the member's feeling.

MR. S. KRISHNA PILLAI (*Karunagapalli*): Am I correct?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): As I said, I quite appreciate that feeling. That is a feeling which every member ought to possess. At the same time when an officer of the Government misbehaves or misconducts himself the right of the subject is always there. This side of the House may not be different from the other side but I suppose that the other side is not Government and in any event the *subject* is different from the *Government.*

I was referring, Sir, to the right of the subject. If any officer of the Government, any officer on this side, misconducts himself or misbehaves, sometimes it may be necessary to give the aggrieved party the right of suit. That right is provided for in very large terms in the Revenue Recovery Regulation. That being so, and so long as the right of revision and control that may be exercised over the functions of Sripadom employees is as large as the control over the functions that would be exercised over Government officers .....

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MR. E. V. KRISHNA PILLAI (*Kottarakara cum Kunnattur*) : Is the exercise of that power so easy as in the case of an officer of Government ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : There is no difference.

MR. E. V. KRISHNA PILLAI (*Kottarakara cum Kunnattur*) : The Law Member said that Government should safeguard the rights of a subject and that therefore there is no provision made in the Regulation enabling him to go to a court of law. Is it suggested that that course is as feasible and as cheap as in the case of an officer of the Government ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : That is a matter of opinion ; of course, other controls are not excluded. All the rights of actions that are open as against the Government Tahsildar are open as against the Sripadom employee exercising the powers of the Tahsildar.

MR. S. KRISHNA PILLAI (*Karunagapalli*) : Do the Sripadom Palace employees come under the Public Accountants Regulation ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : I do not think that they will.

MR. S. KRISHNA PILLAI (*Karunagapalli*) : I was referring to misappropriation and malversation of other peoples' money. I suppose under the Public Accountants Regulation they could be proceeded aginst ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Misappropriation of whose money ?

MR. S. KRISHNA PILLAI (*Karunagapalli*) : Money that comes into their hands, money that is realised in collecting the dues to the Sripadom Palace ?

PRESIDENT : The Sripadom is bound to pay.

MR. S. KRISHNA PILLAI (*Karunagapalli*) : Will the Governmant be in a position to compel a person who has misappropriated to pay the money ? Under the Public Accountants Regulation there are certain remedies provided.

PRESIDENT : That is when the money belongs to the Government.

MR. S. KRISHNA PILLAI (*Karunagapalli*) : Excess moneys realised from the people by Government officers can be ordered to be refunded and there are certain remedies provided for in the Public Accountants Regulation. But when any officer of the Sripadom Palace misappropriates money, it is not open to the Government to resort to the provisions of the Public Accountants Regulation. What I wanted to point out is that the Government can only confer these powers but not do anything to keep the powers under check.

PRESIDENT : Why ? Anyhow that is your view.

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MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : As I was trying to explain, the exercise of the power arises in various ways. All those ways are subject to revision.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*) : Is it suggested that in the Revenue Recovery Regulation, no regular departmental remedy is provided for the aggrieved ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : The remedy is appeal or revision.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*) : Is that remedy available in the case of the Sripadom employees ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Yes.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*) : Does the Law Member know that in the case of officers who are found to go against the provisions of the Regulation there is a departmental remedy provided ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Not by the Regulation.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*) : Does the Law Member think that in the case of coercive steps, etc., no remedy is provided by the Regulation other than this ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : No departmental remedy is provided by this *Regulation.*

MR. A. THANU PILLAI (*Trivandrum*) : Are not remedies provided by other rules ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Yes, let me first of all make it quite clear that so far as the control that may be exercised under this Regulation is concerned the control is equal as regards the Sreepadom employees and the Tahsildars in Government service.

Then, as regards the control that may be exercised over the Sreepadom employees themselves, it is there that some distinction may be made.

MR. A. THANU PILLAI (*Trivandrum*) : Suppose a Government Proverthikar misconducts himself in relation to this Regulation. Will there not be an appeal to the Tahsildar or to other Government officer ? Suppose now a Sreepadom Proverthikar misconducts himself. Will an appeal lie to the Government officers ?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : So far as the statutory functions are concerned there would be appeal and in any event a revision certainly.

MR. A. THANU PILLAI (*Trivandrum*) : I refer to the misconduct of a Sripadom Proverthikar ?

PRESIDENT : In what way ?

MR. A. THANU PILLAI (*Trivandrum*) : In the exercise of his functions.

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PRESIDENT: He would certainly be liable.

MR. A. THANU PILLAI (*Trivandrum*): May I make my position clear? Suppose the Sreepadom Proverthikar maliciously molests a tenant. Will he be liable to be punished apart from the provisions of the Regulation by the Tahsildar?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): That is just what I am going to explain.

MR. A. THANU PILLAI (*Trivandrum*): I want an answer to my question whether he will be punished by the Tahsildar?

PRESIDENT: He is going to explain the position.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): So far as the control that is exercised in regard to the functions of the Proverthikar *i. e.*, in regard to the act that is done by him is concerned, the control that is exercised over him is the same as the control that is exercised in respect of a Government officer. But a distinction may be made in respect of the control over the person. The Government Tahsildar may be fined, dismissed or suspended, but the same thing cannot be done in respect of the Sreepadom employee, if he is given the power of a Tahsildar. *Formally and technically*, there is a difference. But I submit, Sir, that there is no substantial difference, because the highest punishment that the Government can inflict on a Tahsildar in the exercise of the disciplinary powers is dismissal. That power can virtually be exercised in regard to the Sreepadom employee also because the powers can be withdrawn and he will cease to be a Tahsildar in law.

MR. A. THANU PILLAI (*Trivandrum*): In the case of the dismissal of a Government Tahsildar it will deprive him of his means of livelihood while in the case of the so-called deprivation of the powers of a Sreepadom employee which is assumed by the Law Member to be tantamount to the dismissal of a Government officer it will not deprive him of his means of livelihood.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): We are not concerned with that. We are only concerned with him so far as the control over him as a legal functionary is concerned. The highest control that the Government can exercise over a human being who is a Tahsildar is to dismiss him. That power can be exercised over the human being who is a Sreepadom employee also by withdrawing the powers from him. I cannot understand what is the difference so far as the Government officer and so far as Sreepadom employee with whom it is proposed to entrust these powers are concerned. In the one case a person ceases to be a Tahsildar, in the other also the person ceases to exercise the functions of the Tahsildar.

MR. S. KRISHNA PILLAI (*Karunagapalli*): May I know from the member whether this power of the Tahsildar conferred on the Sreepadom employee is a power conferred on him for his aggrandisement and for his personal prestige?

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PRESIDENT: He did not say that.

MR. S. KRISHNA PILLAI (*Karunagapalli*): When this power is withdrawn from him the Sreepadom employee is not put to great loss.

PRESIDENT: As Tahsildar he disappears.

MR. S. KRISHNA PILLAI (*Karunagapalli*): As Tahsildar he disappears, it is true, but it is no punishment to him. Thereafter he cannot exercise those powers. That is all. Still he is in the service of the Sreepadom Palace.

MR. A. THANU PILLAI (*Trivandrum*): Even if these powers are taken away from him would he not get promotion in the service of the Sreepadom Palace?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): We are not concerned with that.

MR. A. THANU PILLAI (*Trivandrum*): We are.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Then, I ask, would he get promotion. Sir, it cannot be overlooked that he will cease to be useful to the Sreepadom Palace. Over and above all these things, it was asked whether Government will not be compelled or forced to confer these powers once the Bill is passed. It seems to me, Sir, there is no legitimate reason for any apprehension of that sort. In any event this House has got the ultimate power to repeal the measure. If the House has been able to show that the Government will be unable to exercise the discretion that is conferred by the Statute I could have understood the objection. Once the Government find that the powers are not being properly exercised, then they can withdraw the powers.

Supposing for argument's sake, that it is not possible.....

MR. A. THANU PILLAI (*Trivandrum*): But prevention is better than cure.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Provided the evil can be reasonably apprehended to happen.. Where is the evil? I can very well understand that prevention is better than cure but it implies a disease; I ask where is the disease? There is no use in raising up a ghost and trying to fight that. That is my complaint. If the House apprehends and if it really thinks that the Government have exercised their power wrongfully or improperly, it is open to the House to repeal the provision. So long as that power is still in the House, it seems to me that there is no use whatever in apprehending any evil in conferring this power on the Government. Once again let me try to make it clear that this power is not conferred on the Sripadom employees straightway. Some members on the other side were fearing that this power is a power that is being conferred to-day on the Sreepadom employees. Let me make it clear once for all that the Statute does not by itself confer this power on the Sreepadom employees. The Statute only confers a power on the Government to confer powers and they may or may not confer powers.

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MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): But is a non-official member allowed to bring another amendment Bill to repeal this amendment?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Why not?

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): It is not under the Legislative Council Regulation. It is public revenue under the definition and once Government sanctions it we cannot put in an amending Bill.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): That is a different matter.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): This is public revenue under the definition and we are not entitled to bring a Bill which would affect the public revenues without the sanction of the Government. How are we free to bring an amendment?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): This Bill seeks to import an explanation and is it not open to the Council to repeal that explanation.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): How can we take away that explanation without the sanction of Government?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Perhaps they cannot. But *prima facie*, it would seem, Sir, that there is nothing to be apprehended on that ground. However.....

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): The Law Member has not replied to my question why a distinction between the powers of the Dewan Peishkar and of the Tahsildar is made now by the Government?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Government are not making any distinction.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): It is suggested that the Government have not in their mind now to extend the powers of the Dewan Peishkar to the Sreepadom employee and that he would be invested only with the powers of the Tahsildar. I wish to know why this distinction is made?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): That is all that the Government now consider that the Sreepadom palace wants for collecting its dues.

I explained on a previous occasion and it is not necessary for me to repeat it to-day that it has not been found possible for the Sreepadom authorities during the last four or five years to collect the dues expeditiously and that the arrears due to them have mounted from Rs. 2,000 to Rs. 7,000 or so.

MR. A. THANU PILLAI (*Trivandrum*): During what period?

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MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): The last four or five years. I said that on the previous occasion.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): Am I to understand that the whole thing has been going on smoothly since that statement was made?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): This was the amount that I gave on the last occasion. I was only reminding the House that I have already given this information to this House. To collect that revenue, all that is at present considered necessary is to confer the powers of a Tahsildar on a Sreepadom employee.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): Will it be deemed necessary on any future occasion?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): We cannot foresee to it now. All I can say is that it is not now considered necessary.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): What is the nature of the circumstances that will induce Government to deem it as necessary?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): How can that be foreseen now?

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): The Law Member was replying that under the circumstances it was proposed to confer only the powers of the Tahsildar. I ask what will be the nature of the circumstance that will induce Government to confer the powers of a Peishkar?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): The conferment of the powers of a Tahsildar was all that is contemplated.

MR E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): May I know why the contemplation was restricted to that extent? Why not the Dewan Peishkar's powers also be conferred on them?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): It was not deemed necessary to do it; that is all.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): Is it suggested by the Law Member that the Government think it is dangerous to extend these powers to the employees of the Sreepadom Palace?

PRESIDENT: He did not say it was dangerous. He said that it was not *necessary*. You can understand the meaning of the word 'necessary'.

MR. A. THANU PILLI (*Trivandrum*): May I know from the mebmer whether the Sreepadom dues are not being collected in accordance with the provisions of the Revenue Recovery Regulation?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): They are. It has to be done through the Tahsildars and the

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Tahsildars have their own work. For that reason the collection has not been satisfactory.

MR. A. THANU PILLAI (*Trivandrum*): Is not this also the Tahsildar's legitimate work? Why should this be regarded as illegitimate work?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): It is his legitimate work no doubt. But having regard to his other multifarious duties, it has been found in actual practice that to correspond with him, to ask him to take coercive steps and to see that the tax is collected, leads in actual practice to difficulties.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): Suppose we have a Tahsildar under direct Government control and ask the Sreepadom tenants to pay their dues to this Tahsildar, cannot the Government accept that position?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): That is a different matter.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): If there is a Government Tahsildar, he can do the work.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): He can perhaps, but that is a different matter.

MR. A. THANU PILLAI (*Trivandrum*): In how many cases were requisitions made to the Tahsildar for putting into operation the provisions of the Regulation during the last year?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): A very large number of cases.

MR. A. THANU PILLAI (*Trivandrum*): I want to know the number.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sikar Vakil*): It may be about four or five hundred.

In 1105, demand notices were issued in 2,234 cases, movable properties were attached in 37 cases and immovable properties in 89 cases. There were 53 cases of auction.

MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*): What is the total revenue collected?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I have not got the exact figures now, but I think it is about a lakh of rupees a year, or somewhere about that.

MR. A. THANU PILLAI (*Trivandrum*): How many Tahsildars have to deal with these cases?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Most of these collection has to be done by the Chirayinkil Tahsildar?

MR. A. THANU PILLAI (*Trivandum*) How much is collected in the Chirayinkil taluk every year on account of Sreepadom dues,

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): About three-fourths of the amount will have to be collected rom the Chirayinkil taluk, but I am not quite sure.

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MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*): May I know whether they are demanding 24 chackrams for every parah of paddy?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Perhaps. Recently a commutation rate was fixed.

MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*): Is that a reasonable rate?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): At the time it was fixed, it was reasonable. That question does not arise now.

MR. A. THANU PILLAI (*Trivandrum*): In how many cases was actual collection effected in 1105?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I have not got the figures.

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated, Deputy President*): Sir, in view of certain observations made by Mr. Thanu Pillai, I rise to oppose the motion, even at the risk of being misunderstood. My main objection is to the amendment as it appears on the agenda paper.

MR. A. THANU PILLAI (*Trivandrum*): I do not hear the learned Deputy Presdient.

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated, Deputy President*): I am so sorry. My friend stated that the Select Committee made certain proposals, and that I am now assuming a position directly opposed to it. But I do not find that the Select Committee made any amendment at all. The Select Committee reported that there was no necessity for making any amendment.

MR. A. THANU PILLAI (*Trivandrum*): I did not say that the Select Committee made any amendment. I accepted the Bill itself as it is.

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated, Deputy President*): That is all right. Thank you for admitting it. The Bill was reported on by the Select Committee with this expression of views that there was no necessity for making any amendment. Then began the discussion of the Bill at a later stage. In the course of the discussion of the Bill it struck me—it is merely my personal view—that for securing the object which the Bill had directly in view, the delegation of the powers of the Dewan Peishkar was unnecessary. That was my personal view. And in support of that I would refer the House to the proceedings reported in page 413 of Vol. VIII of the Legislative Council Proceedings. In the course of the discussion I asked the Law Member as follows —

"DEPUTY PRESIDENT: Are you prepared for a definite provision that the powers that can be delegated by the Government under this section will only be the powers of the Tahsildars and proverthikars?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): The idea of the Government at present is to confer only the powers of Tahsildars and Proverthikars. We never thought of conferring the powers of a Peishkar on the employees of the Sreepadom Palace. Not that I am giving any undertaking of that

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kind in order to get this measure passed. Only as a matter of fact Government never thought of conferring the powers of the Peishkars on the employees of the Sreepadom Palace. Of course, when a section is worded, it has to be worded generally, particularly because the powers of the Peishhars have to be conferred on the Presidents of Municipalities.

MR A. THANU PILLAI (*Trivandrum*): Is there anything to show that, when the personnel changes, the intention of the Government. may also change?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): There is nothing.

The House may take it from me however that the Government did not think of conferring the powers of the Peishkars on the employees of the Sreepadom Palace. It was only the conferment of the powers of the Tahsildar and the Proverthikars that was in our mind and it is those powers that are now proposed to be vested in the employees of the Palace, although no such restriction is intended to be laid down."

The Law Member, honestly told the Council that the intention of the Government then was not to delegate the powers of the Dewan Peishkars. To make the position safer from the standpoint of the holders of land in the Sreepadom Edavagai, I asked him whether he could give a definite undertaking on behalf of the Government. He said that that was the intention and that he was not prepared to give the undertaking. There the matter dropped. It struck me then, and it strikes me even now, that the delegation of the powers of Proverthikars and Tahsildars would be ample, not merely in the case of the Sreepadom estates but in the case of Municipalities, Village Panchayats and other quasi autonomous institutions that Government may introduce hereafter in the country. In that view of the case, instead of merely relying on an incomplete assurance I thought there will be nothing wrong, nothing inconsistent with the present intention of the Government if the powers of delegation by the Government be strictly restricted to the powers of the Proverthikar and the Tahsildar. That was the purpose with which I put that question to my friend whether the delegation of the powers of Peishkars was necessary, in any case, whether Sreepadom or Municipality or Village Panchayat. I felt, Sir, that in the case of Municipalities there was no necessity for it. My friend Mr. Krishna Pillai said that it was a more autonomous body in a way subject to the budgetary control of the Government and that there was nothing illogical or improper in delegating the powers of a Dewan Peishkar to the Municipal Presidents as well. The Municipality can proceed under the existing Regulation only against the movables of the defaulters. The Village Panchayat Regulation also provides for proceeding against the movables of the defaulters. Whereas the Revenue Recovery Regulation goes the length of authorising particular officers to attach and sell not merely movables but also the immovable properties. My feeling is, relatively the danger is greater if the Statutory powers are exercised with reference to the immovable properties without an adequate disciplinary control by the higher officers of the Revenue Department. There are two classes of cases with which the Tahslidar has to deal, namely, the attachment and sale of movables and the attachment and sale of immovable properties. With reference to the attachment of movables it is not to be done by he Proverthikars except under the direction of the Tahsildars. There

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is a provision that the Tahsildar may himself or by a Proverthikar or by any other person authorised by the Dewan Peishkar order the distraint of immovable properties belonging to the defaulter. Naturally after the attachment comes in the question of claims. The Revenue Recovery Regulation does not make any provision for the investigation of any claim in the case of movables attached under the Regulation whether it is in the Sreepadom estates or in the municipal areas or elsewhere. From the very nature of the article that is sold and from the absolute necessity of giving an absolute title to the purchaser, the provision that is made in the Revenue Recovery Regulation when the movables are attached is to provide that the party prejudiced may prefer a claim in a civil court. Well, that is the state of things with reference to Travancore generally. It is not a case of a Government Tahsildar exercising his powers sympathetically and a Sreepadom Tahsildar declining to exercise his powers sympathetically. Both are equally helpless in the matter of granting relief when a claim is submitted for investigation by a third party whose contention is "I am not a defaulter; I am not liable for the payment of any arrears of revenue, please do not attach my movables". That attitude he may adopt in respect of Sreepadom Edavagai or anywhere else. The Tahsildar has not got the power of investigating the claim and passing orders. Coming on to the attachment and sale of immovable properties, I consider that much more important. My friend Mr. Thanu Pillai suggested that the subordinate officers of the Sreepadom Edavagai should not be invested with extensive judicial powers which may really prejudice the claims of the applicants who appear before them. I only wish to draw the attention of my friend that in cases of attachment of immovable properties for arrears of land revenue the claim cannot be disposed of by the Tahsildar. He has to do the whole of the investigation and then to place all the papers before the Dewan Peishkar and the power of passing final orders accepting the claim or rejecting the claim rests exclusively with the Dewan Peishkar. If the powers of the Dewan Peishkar are not delegated to the officers of Sreepadom you have one of your officers for investigating the correctness or otherwise of the claims preferred by the tenant in exactly the same way in which similar claims would be investigated when preferred by an ordinary pattadar under the Travancore Government. I agree with Mr. Krishna Pillai in saying that when Sreepadom Revenue has been defined as falling within the definition of "land revenue" and when Government till now have undertaken to help them in the matter of collecting their outstandings we should not delegate to their officers more powers than are absolutely necessary and should not delegate powers the abuse of which may after all be a matter without any remedy. In consequence of increasing pressure on departmental Tahsildar the necessity is felt for their own officers being empowered to do it. I am submitting the position of a pattadar in the Edavagai does not become worse as regards movables. As regards immovables his position is identical with that of any other landholder under the Travancore Government when his immovable property is attached. Though the Tahsildar is allowed to conduct the sale of immovable property it has to be

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confirmed by the Dewan Peishkar. It may be set aside by the Dewan Peishkar. Now such extratordinary powers, I believe, as a matter of principle, ought not to be vested in any subordinate authority over whom Government have not got adequate administrative control. If the officer or manager of the Edavaga is invested with all powers which it is open to the Government to delegate, I felt serious harm might be done. Their own officers may attach and sell and their own officers may confirm the sale. It might under these circumstances be said with a certain amount of truth that it is a case where the interest of the tenants of the Edavagai are likely to be sacrificed by individuals over whom Government have not got any effective administrative control. I thought we might leave it with the Tahsildar and stop there. Our Peishkars have got the right of hearing appeals. It is not a simple question of revision raised by Mr. Thanu Pillai. They can appeal to the Dewan Peishkar or Land Revenue Commissioner like other aggrieved tax-payers in the land. Let us suppose we put it like that. What is the serious danger with which the tenants are being threatened

MR. S. KRISHNA PILLAI (*Karunagapalli*) : May I know from the member whether under any other Regulation now in force in Travancore public revenue is authorised to be realised by any private individual?

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated, Deputy President*): That is to say ignoring the circumstances under which Sreepadom revenue was brought under the purview of the Revenue Recovery Regulation? If you just examine the genesis of the earlier Regulation Sir, you will find, as I remarked on a former occasion, the late Mr. Thanu Pillai, a gentleman for whom the country uniformly has a high regard, introduced the revenue Recovery Regulation Amendment Bill from which the Sreepadom was definitely excluded on the ground that that was an institution over which Government had not got any matter of proprietory or controlling interest. The question was discussed at considerable length and ultimately from considerations of high State policy, Government amended their orginal Bill and included Sreepadom revenue within the definition of Land Revenue. It was not by mistake. It was not owing to thoughtlessness. It was after deliberate consideration that the amendment was made. So long as the reasons which weighed with the Legislative Council to bring in Sreepadom Revenue under the generic term of public revenue—

MR. A. THANU PILLAI (*Trivandrum*) : While deliberately including Sreepadom within the puriew of the Regulation they did not deliberately include Sreepadom officers?

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated, Deputy President*) : They did not exclude Sreepadom Revenue from the purview of the regulation. That was included.

MR. A. THANU PILLAI (*Trivandrum*) They deliberately amended so as to include Sreepadom within the ambit of that definition. But they did exclude Sreepadom officers?

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RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated, Deputy President*) : They did not exclude any body. They gave general power to Government to delegate its powers.

MR. A. THANU PILLAI (*Trivandrum*) : Then why this Bill ?

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated, Deputy President*) : That is because, I understand, doubts have been expressed on a reading of the Section under which power may be delegated. "Our Government may delegate its powers".

Mr. Thanu Pillai stood up to ask a question.

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated, Deputy President*) : Let me finish my sentence, Sir.

PRESIDENT : Let the first question be answered.

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated, Deputy President*) : I assure my friend that I will answer all his questions. But before I finish my answer to a particular question let me not be bombarded with another question. We are only trying to understand the agruments put forward by both of us.

They have been delegating powers to Sreepadom officers. I suppose they have been delegating powers to municipalities. It looks as if Government are incompetent to do it. Doubts appear to have been apparently entertained as though the Government can delegate powers only to their own officers and the officers of municipalities are not Govenment officers.

MR. A. THANU PILLAI (*Trivandrum*) : Under Section 254 (*d*) all the municipality employees ought to be considered as Government employees.

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated, Deputy President*) : They may be considered to be public servants. But for the power of delegation you have to go to Section 54. They are not 'Our officers.'

MR. A. THANU PILLAI (*Trivandrum*) : Has at any time the power of these officers been delegated to the Sreepadom officer ?

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated, Deputy President*) : I thought my friend raised the question what was the necessity for this amendment ; because, even if we exclude Sreepadom there was the necessity for the amendment to place the whole matter beyond any controversy. That I conceive to be the object with which apparently this Bill was introduced, A man may sell property. The question may arise whether he was competent. It may be asked whether he is empowered to do it. Mr. Thanu Pillai asked whether in fact power had been delegated to Sreepadom officer at anytime. Sreepadom affairs were looked after by the Chirayinkil Tahsildar. But it was thought that Government work which has to be looked after by this Tahsildar would receive better attention at his hands than if he was saddled with this extra work.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*) : Suppose we have separate Tahsildars ?

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PRESIDENT: The House will now rise to meet again at three P. M.

MR. S. KRISHNA PILLAI (*Karunagapalli*): I want to ask some questions.

PRESIDENT: You can ask them afterwards.

The House rose for lunch at 2-10 P. M. and re-assembled at 3-5 P.M.

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated, Deputy President*) Sir, for the various reasons detailed by me I oppose the motion tabled by my friend Mr. Thanu Pillai.

MR. S. KRISHNA PILLAI (*Karunagapalli*) The Deputy President was saying that there was an appeal.

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated, Deputy President*): I said there was no appeal. The decision of the Tahsildar is final so far as claim to moveables is concerned and in other respects he was subject to the Peishkar's appellate control.

MR. S. KRISHNA PILLAI (*Karunagapalli*): As regards immovables?

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated, Deputy President*): The confirmation, the sale and the investigation of claims of third parties, every thing is done by the Peishkar,

MR. S. KRISHNA PILLAI (*Karunagapalli*): Has the Peishkar any power to set aside the orders of the Tahsildar?

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated, Deputy President*): As regards immovables the Peishkar alone can confirm the sale.

MR. S. KRISHNA PILLAI (*Karunagapalli*) Of course, the confirmation of the sale is done by the Peishkar. But in regard to the preliminaries the Tahsildar's action is final.

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated, Deputy President*) The Tahsildar has to submit a report and it is the Peishkar who decides finally whether the action taken by the Tahsildar is right or wrong.

MR. S. KRISHNA PILLAI (*Karunagapalli*): My point is that there is no appeal provided in regard to attachment and sale of immovable properties by the Tahsildar.

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated, Deputy President*) No appeal is provided for the very best of reasons, namely that the Tahsildar has not got the final say in the matter. Our amins go to the spot and proclaim the sale by beat of tom tom on three successive days and report that there was no higher bidder. In the same way the Tahsildar reports to the Peishkar about the attachment and sale and it is the Peishkar who confirms the sale or sets it aside. The final powers are therefore with the Peishkar and not with the Tahsildar. Appeal need be provided only if the final word rests with the Tahsildar.

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MR. S. KRISHNA PILLAI (*Karunagapalli*): Has the Peishkar the power to refuse to confirm the sales effected by the Tahsildar?

PRESIDENT: Is there any provision to compel the Peishkar to confirm the sale?

MR. S. KRISHNA PILLAI (*Karunagapalli*) No.

PRESIDENT: Then what do you mean by saying that the Peishkar has no power to refuse to confirm the sale?

MR. S. KRISHNA PILLAI (*Karunagapalli*) The Peishkar can set aside the sale only if there is any irrigularity.

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated, Deputy President*): If no objection is preferred by the party aggrieved the idea is that he has no grievance. If therefore no objection is preferred after the sale or if the arrears together with five per cent. is not deposited within thirty days after the sale the Peishkar would naturally confirm the sale.

MR. S. KRISHNA PILLAI (*Karunagapalli*): My point is this. If no complaint is received by the Peishkar he has only to confirm the sale by the Tahsildar whether it was proper or not.

RAO BAHADUR K. A. KRISANA AIYANGAR (*Nominated, Deputy President*): We all know, Sir, that there is provision in the Civil Procedure Code that if no irregularity is brought to the notice of the Courts and if the sale prize together with five per cent. peanalty is not deposited in the Court within a certain time the Court has to confirm the sale. It is just the same case here also.

MR. A. THANU PILLAI (*Trivandrum*) May I ask the Deputy President whether the Peishkar will not act on the recommendation of the Tahsildar unless the party complains to him about his grievances?

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated, Deputy President*) Certainly, unless the party says that he is aggieved, in the ordinary course of things, the Peishkar has to confirm the sale. Does my friend suggest, Sir, that it is the function of every officer in every case to go into the records *suo moto* by way of appeal or revision when the party apparently is satisfied with the proceedings of the Tahsildar? The trouble comes in only when the party has a grievance. If nobody is aggrieved, I do not see the necessity for the Peishkar on his own initiative of going into the question. Is it a workable propostion that my friend is now suggesting?

MR. M. GOVINDAN (*Nominated*) Under the arrangement of the Revenue Recovery Regulation power has been given to the Government to collect dues of the chiefs of Kilimanoor and Edapalli as public revenue through officers of Government. Now the Sreepadom and the tenants thereunder stand on a different footing from those chiefs legally. It is therefore —

MR. K. KUNJUKRISHNA PALLAI (*Quilon*): Will the member explain how legally?

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MR. M. GOVINDAN (*Nominated*) I am just going to do it. It is therefore that we had to introduce an amendment to the Revenue Recovery Regulation providing for Sreepadom dues also as public revenue and introduce the words 'Sreepadom' after 'Kandukrishi'. The idea must have been that both are Crown lands. More or less Sreepadom lands do not differ materially from Crown lands.

MR. A. THANU PILLI (*Trivandrum*): May I know where the amendment comes in?

MR. M. GOVINDAN (*Nominated*). That is in the Revenue Recovery Regulation. I will read it. That is after "Kandukrishi pattom due on Pandaravaga."

MR. A. THANU PILLAI (*Trivandrum*): That was in the original Regulation itself.

PRESIDENT: What he meant was that it was by an amendement that it was introduced when the Regulation was passed.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): Evidently the member was referring to Regulation II of 1099.

MR. M. GOVINDAN (*Nominated*): I would refer the House to the speech delivered by both official and non-official members in regard to that subject.

PRESIDENT: Do you consider the whole speech relevant?

MR. M. GOVINDAN (*Nominated*): No. I will read only that particular portion which is relevant. The official member said:—

> "The reason is that the Sreepadom lands are, in my humble opinion, on a par with the Kandukrishi lands, being the personal property of the Sovereign who has confered on the female members of his family the privilege of holding them, (and I do not think that they have any more than a life interest in these Estates), and that it is derogatory to the position of the Ranees that Sreepadom should be included in the new Bill as if it were an Edavagai similar to Edapally or Kilimanoor."

> "My idea was that these are entirely the *private* property of Their Highnesses the the Ranees in the same manner as the Kilimanoor Estate is the private property of the Kilimanoor family. From the observations made by the esteemed mover of the amendment, I see that the Sreepadom lands are, like Kandukrish lands, the private property of the Sovereign. Their Highnesses the Ranees having only 'a life interest' in them. Even now, the Kariakar or the Chief officer who administers these lands is appointed by His Highness the Maha Raja."

Now it has been pointed out here by members on this side of the House that these officers are to be appointed by the Sreepadom itself and therefore would have no control whatever on these officers. But the official member in 1099 said like this.

MR. A. THANU PILLAI (*Trivandrum*): Is the member aware that the official benches do not now admit that they are Sovereign lands.

MR. M. GOVINDAN (*Nominated*): I am pointing out the admission made in 1099.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Karthikapalli*): May I point out that it was in 1892 and not 1099?

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MR. M. GOVINDAN (*Nominated*): But, is that admission barred by limitation? There is an admission from the Government side that the Sreepadom lands are like Crown lands and that the Sreepadom Kariakars are appointed by the Sovereign.

MR. A. THANU PILLAI (*Trivandrum*): Does the member realise that the Government now go back on their admission?

MR. M. GOVINDAN (*Nominated*): If they do not admit it now, I must say they are contradicting themselves by going back on their own admission.

MR. A. THANU PILLAI (*Trivandrum*): I put the question last time, and the Government Benches did not admit it.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): Does the member contend that even now, the appointment of the Kariakar is made by the Sovereign?

MR. M. GOVINDAN (*Nominated*): It may not be, now, for the obvious reason of the merger, pointed out by Mr. Thanu Pillai, of the Sripadom and the Sovereign in one and the same personage. But, hereafter, I except that the appointment would be made by the Maha Raja. There is, therefore, no reason for that degree of apprehension that my friends seem to entertain that all manner of people would be appointed as Sripadom Managers.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): Does the member know whether the present Sripadom Manager was appointed by the Sovereign *as Sovereign* or *as Attingal Ranee*?

MR. M. GOVINDAN (*Nominated*) I do not know that.

MR. A. THANU PILLAI (*Trivandrum*): Does the member know that, even before the so-called merger that he referred to, the Manager of the Sripadom Palace was appointed by the Sripadom authorities themselves, and not by the Sovereign?

MR. M. GOVINDAN (*Nominated*): I do not know that.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): Who is that non-official member that moved the amendment, in the proceedings of the Council that the member just now referred to?

MR. M. GOVINDAN (*Nominated*): He seems to be some distinguished gentleman; that is all I can say. The official member, in his reply, refers to that non-official member in very high terms, and with very great respect.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*) May I inform the member that that non-official member was the Valia Koil Tampuran?

MR. M. GOVINDAN (*Nominated*): It is quite possible. But, the Government agreed with him.

Therefore, Sir, there is no room for the apprehension entertained by some of my friends on this side of the House. The present provision in the Bill is only to confer the right *on the Government* to invest these officers with the powers of the Tahsildars and the Peishkars [illegible]

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that is needed is that we should have confidence *in our Government*. That confidence we have in the case of the revenue officers of the State; because, it is the Government that appoint the Tahsildars and the Peishkars. So, when we have no objection to our Government choosing their own Tahsildars and Peishkars, I do not see how we can object to their being given the discretion to invest these officers with the powers of the Peishkars and the Tahsildars under the Revenue Recovery Regulation. If our Tahsildars abuse their powers, we expect the Government to punish them; in the same way, if the officers, who are invested with the powers of the Peishkar and Tahsildar, abuse their power, we can expect the Government to withdraw the powers from such officers. There is therefore no reason for the apprehension entertained by my friends.

There is also one other point. In these days of democracy when we have more and more of popular Government in the country, there is no reason why we should have any such apprehension as my friends now seem to entertain. The learned Deputy President was saying that these was no need to invest these officers with the powers of the Peishkar.

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated, Deputy President*) I wish to correct my friend. I never objected to the delegation. I never said that these gentlemen were not fit to exercise the powers of the Peishkar. I merely said there was no necessity.

MR. M. GOVINDAN (*Nominated*) I have understood him aright. My impression is, the question is not whether there is any *necessity* to give them the powers. The question is whether the *Government* could be empowered to invest these officers with the powers under the Revenue Recovery Regulation. My submission is that there may be some municipalities where the President may be a man of even better capacity and higher status than the ordinary Dewan Peishkar in Government service. In such cases, it would be quite proper for the Government to exercise its discretion and invest such Presidents with the powers of the Dewan Peishkar under the Revenue Recovery Regulation. In the present Bill, we are not directly conferring these powers on these officers. We are only empowering the Government to do it in fit cases. The only question therefore is whether we could trust our Government with the right to confer these powers on officers whom they consider fit to exercise such powers. Once we admit that the Government should be trusted with the power to confer these powers in fit cases, my point is, we should not restrict the powers of Government in the matter. Government should be given the discretion to confer the powers of the Peishkars also on such of the officers as they consider fit to exercise these powers.

MR. S. KRISHNA PILLAI (*Karunagapalli*): May I point out to the member that there is no question now of not trusting the Government in passing this Bill, and that it is the principle of the legislation that is now being considered by the House?

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MR. M. GOVINDAN (*Nominated*) : But the provision in the Bill relates to the Government being conferred with certain powers ; and so, the main question is whether we could trust our Government or not. Further, as was pointed out the other day by the Director of Agriculture, the representative institutions in the country may develop into responsible government shortly. So, when we entrust the Government with these powers now, we are only entrustiug ourselves with these powers. We hope to have considerable share in the work of governing the country.

MR. A. THANU PILLAI (*Trivandrum*) Therefore, would my friend be satisfied if this Bill is taken up after we get responsible Government in Travancore ?

MR. M. GOVINDAN (*Nominated*): My point is that there is no danger at all in passing this Bill. After all, there are only a handful of servants in the Edavagais ; and the Government have got the power to withdraw the powers, if they are abused by the officers.

MR. S. KRISHNA PILLAI (*Karunagapalli*) : Is it the member's opinion that any power that is not dangerous may be entrusted to the Government by means of a statute ?

MR. M. GOVINDAN (*Nominated*) : That is not it ; my point is that this measure is also necessary. In respect of Crown lands, have we not invested the Government with the power ?

MR. S. KRISHNA PILLAI (*Karunagapalli*): I am not asking about that.

MR. M. GOVINDAN (*Nominated*) : I do not suggest that everything that is not dangerous must be legislated upon and powers conferred upon the Government. We have also to consider whether it is necessary or not. I submit there *is* necessity for this Bill.

MR. S. KRISHNA PILLAI (*Karunagapalli*) Does the member advocate the present measure as a matter of necessity or as a matter which is not dangerous in its effects ?

MR. M. GOVINDAN (*Nominated*) . There is necessity ; also there is no danger involved in it.

PRESIDENT ; Mr. Govindan says that he puts it on all these grounds.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*) : By whom is the necessity for this measure felt ?

MR. M. GOVINDAN (*Nominated*) : By the Sripadom. They want these powers for the purpose of realising their dues ; their lands being more or less like Crown lands, what I say is that there is no objection in enabling them to recover their dues as the Edavagais are allowed to realise their dues. Of course, we should place the Sripadom on a higher footing than the Edavagais for obvious reasons. We must confer on the Sripadom more powers than those of the Edavagais, because of the intimate relation between the Sripadom and the Sovereign.

Therefore, on account of the difference between the Edavagais and the Sripadom, and for the reason that the Sovereign himself can.

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appoint responsible officers in the Sripadom, I would oppose the amendment now proposed by Mr. Thanu Pillai.

MR. A. THANU PILLAI (*Trivandrum*) : Do I understand the Member to suggest that it is the Sovereign that appoints the Sripadom Manager ?

MR. M. GOVINDAN (*Nominated*) : It is not what I suggest. I am just reading it from a document.

MR. A. THANU PILLAI (*Trivandrum*): Will the member take it from me that that is not the case ?

MR. M. GOVINDAN (*Nominated*) : No.

MR. A. THANU PILLAI (*Trivandrum*) : May I take it that the member grants that the measure would be dangerous if the Sovereign is not to appoint the Sripadom Officers ?

MR. M. GOVINDAN (*Nominated*) : I do not think I am called upon to answer that hypothetical question.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*) : I wish to add a few words from what I have been able to understand from the discussion here to-day with regard to this piece of legislation.

Having looked at this piece of legislation, there is only one good point about it that I am able to see. Government have placed it before the Council when they could have conveniently passed it by means of a Proclamation. So far as I am able to see, that is the only good point about it ; and we must give credit to Government for that. We are thankful to Government for their kindness in consulting us in the matter and in allowing us to present our difficulties and grievances.

Sir, we would have been able to appreciate the difficulties of Government much better if we had been given time to study this question and if Government had not been so hasty in bringing forward this amendment Bill for the final sanction of this House. However, a majority of this House has decided that more time need not be given to study the question and that the members have had ample opportunities and time to study it.

Sir, certain doubts arise when we look at this question. We have got certain powers of delegation. Is not this House surrendering certain of its powers when it allows Government to delegate the powers of the Peishkars and Tahsildars to the Sripadom Officers ? Can any member of this House, surrender the rights, however small they may be, that the House has at present ? That is the general question which this House has to consider before they vote on this amendment.

I am at one with the Deputy President with regard to the question of not conferring the powers of the Peishkars on the Officers of Municipalities, Village Panchayats and the Sripadam Palace.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*) May I know why the member expresses such an opinion in regard to Municipalities ?

MR. K. KUNJUKRISHNA PILLAI (*Quilon*) It is not necessary that the Municipal President should have Peishkar's powers for the proper

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[Mr. K. Kunjukrishna Pillai.]

administration of Municipalities. For example, the Quilon Municipality is functioning perfectly well even without the President having Peishkar's powers. He has got only Tahsildar's powers.

MR. M GOVINDAN (*Nominated*): What are the arrears due to the Quilon Municipality for the last year?

MR. K. KUNJUKRISHNA PILLAI (*Quilon*) Not much. I have never heard anybody say that the Quilon Municipality is in any way inferior, in the matter of its administration, to any other municipality in the State.

MR. M. GOVINDAN (*Nominated*): That is because, no other Municipal President has been given Peishkar's powers. At present, all the municipalities fare equally ill, perhaps, Quilon being one among them.

MR K. KUNJUKRISHNA PILLAI (*Quilon*): My friend is only supporting my argument, I say. When, there are no Peishkar's powers for the Municipal Presidents, the municipalities are being administered efficiently. Why then, invest them with Peishkar's powers? There is absolutely no necessity for it?

Sir, my point is that Government should be very cautious.....

MR. K. P. KOCHUKORA TARAKAN (*Kunnatnad*): ജനപ്രതിനിധി സഭകൾക്ക് സ്വാതന്ത്ര്യം കൊടുക്കേണ്ട എന്നാണോ മെമ്പറിന്റെ അഭിപ്രായം?

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): സ്വാതന്ത്ര്യം അല്ല. അധികാരം കൊടുക്കുന്നതിനെപ്പറ്റിയാണ് ഞാൻ പറഞ്ഞത്. ജനപ്രതിനിധിസഭകൾക്ക് ആവശ്യമുള്ള അധികാരം കൊടുത്താൽ മതി.

MR. K. P. KOCHUKORA TARAKAN (*Kunnatnad*): ജനപ്രതിനിധികൾക്കു ആവശ്യമുള്ള അധികാരം കൊടുക്കാൻ പാടില്ലേ?

MR. K. KUNJUKRISHNA PILLAI (*Quilon*) ജനങ്ങളുടെ അവകാശത്തെ അവഗണിക്കാതിരിക്കത്തക്കവണ്ണം മാത്രമെ ജനപ്രതിനിധികൾക്കു അധികാരം കൊടുക്കാൻ പാടൊള്ളു എന്നാണ ഞാൻ പ്രസ്താവിച്ചത്.

At present, Municipal Presidents become Presidents not by direct election but by indirect election. There is that defect in their representative character as representatives of the people.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): Have not the official and the nominated members an important part to play in the election of the Municipal Presidents?

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): Certainly. I have personal knowledge of it.

MR. P. S. MAHOMED (*Nominated*): മുൻസിപ്പാലിറ്റികൾ എത്ര എണ്ണം ഉണ്ടായിരിക്കുമെന്നറിയാമോ?

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MR. K. KUNJUKRISHNA PILLAI (*Quilon*) എണ്ണത്തിന്റെ കൂടുതലിനെപ്പറ്റിയല്ല ഞാൻ പ്രസ്താവിക്കുന്നത് അവർ ഇൻഫ്ളുവൻസ് ചെയ്യുന്നു എന്നാണ് ഞാൻ പറയുന്നത്. അവരുടെ ഇൻഫ്ളുവൻസ് വളരെ ഫലിക്കുന്നുമുണ്ട്.

MR. P. S. MAHOMED (*Nominated*) : ഫലിക്കാത്തസ്ഥലങ്ങളുംഉണ്ട്.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): ഫലിക്കാത്തസ്ഥലങ്ങളുംഇല്ല.

MR. K. P. KOCHUKORA TARAKAN (*Kunnatnad*) : മുൻസിപ്പാലിറ്റിയിൽ ഭൂരിപക്ഷം ജനപ്രതിനിധികളും അല്ലെ ഉള്ളത്?

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): അങ്ങിനെ ആയിക്കൊള്ളട്ടെ. അതിനെന്ത്. എന്നാലും അഫിഷ്യൽ മെംബേർസിന്റെ ഇൻഫ്ളുവൻസ് ഉണ്ടാകുന്നു എന്നു കാണാവുന്നതാണ്.

MR. A. THANU PILLAI (*Trivandrum*): Will the election be decided by the majority of the elected members alone?

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): No; it will be decided only by the majority of the municipal council, all the members together. That is the point.

Sir, therefore I am at one with the Deputy President in thinking that Peishkar's powers need not be conferred on any of these Officers.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): May I take it that the member ignores the personal qualification and ability of the persons involved?

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): No, that is not it. My point is this. When it is not necessary for the Municipal Presidents to exercise the powers of the Peishkar in any case, why should we allow those powers also to be conferred, and leave it to the chance of the powers being exercised by all the Presidents alike irrespective of their capacity or qualification? If the collection could be managed with the Proverthikar's, and Tahsildar's powers, as it is done at present in Quilon, why should you invest them with greater powers? That is my point. Further, as long as these Municipal Presidents are allowed to contest for other elections it would be very dangerous to invest them with Peishkar's powers. Even with their present powers they threaten the voters that higher taxes would be levied, and do all sorts of mischief. I know it from my personal experience. I did not complain about all these because I had the confidence to get over all such troubles. Either these Municipal Presidents should be declared as Officials, suitable qualifications being fixed for the posts, or they should not be allowed to contest elections. As it is, they abuse their powers and do all sorts of mischief. I have personal experience in the matter. On account of this fact also, I would strongly support the Deputy President's suggestion that none of these officers need be invested with Peishkar's powers.

MR. S. KRISHNA PILLAI (*Karunagapalli*): Is it because these powers are unnecessary for the municipalities to function properly, or because the Presidents do not deserve to be trusted with these powers?

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MR. K. KUNJUKRISHNA PILLAI (*Quilon*) I would not call it '*unnecessary*'. They are *not necessary*. I think there is some slight difference between the two expressions.

Then, with regard to the Sripadom Officers it was not made definite that the Government would not invest them with Peishkar's powers. If the idea of Government is not to invest them with Peishkar's powers, then, why leave it vague? Why not clearly state it in the statute? I think that would obviate much of the objection raised here. Government can clearly lay down in the statute itself that only the powers of the Tahsildar would be conferred on the Sripadom Officers. Though they do not clearly state it in the provision in the Bill, I understand, the idea of Government is not to confer Peishkar's powers on these officers. If that is really their idea, Sir, Mr. Thanu Pillai's present amendment goes only a step further. He suggests that the Sripadom Officers should be satisfied with Proverthikar's powers. He has no objection to the officers being invested with Provertikar's powers, I think I have correctly understood him. I have been carefully listening to his argument and have been able to gather certain points. It is admitted by the Deputy President, and I hope it would be admitted by all, that there is no necessity for conferring Peishkar's powers. Mr. Thanu Pillai only suggests that Tahsildar's powers also need not be conferred on these officers. He is quite agreeable now to Provertikar's powers being conferred on them. Whatever may be the expediency or the necessity or the advantages of the proposed measure, I think, in the present circumstances, when there is so much opposition to this piece of legislation, rightly or wrongly, it is very desirable that the Government proceed with great caution and do not rush it through. Wether it is because of their lack of knowledge or want of understanding of the historic relation between the Attingal Ranees and the Sovereign, or because they are not able to realise the real difficultias of the officers of the Sripadom Palace in the collection of their dues there is, no doubt, a genuine apprehension on the part of the majority of the members on this side of the House that there is going to be something wrong if this piece of legislation is passed without the amendment now before the House. That apprehension is genuine. There is no doubt about that. Nobody can question that. As such, why not proceed a bit cautiously? Let us first see if the confirment of Provertikar's power would not be sufficient to clear up the arrears due to the Sripadom Palace. If it is found that Provertikar's powers are not enough and that Tahsildar's powers are absolutely necessary for the purpose of the collection of their arrears, then, I think this House would readily pass such a piece of legislation on a closer understanding of the situation. Sir, these are hard times. Government must realise our difficulties. Even the Government have in a way agreed to the suspension of coercive steps in regard to the general revenue of the State; and the officers of Government, gentlemen having a fairly high level of qualification, tried officers, officers who have been all these years exercising the powers under the Revenue Recovery Regulation, are now being asked not to do it. All of us, including my friend Mr. Govindan, have urged upon the Government the absolute necessity of suspending coercive steps till the present serious

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financial stringency is over and we get better days. Further, my friend Mr. Madhavan Pillai, the member for Chirayinkil, has stated that his constituency would be particularly affected if the present Bill becomes law. Nearly, five pakuthies, I understand, are going to be affected by this piece of legislation. When the commutation rate in the *pandaravaka* tax is so low, it is suggested, and also more or less accepted by the Government, that the times are hard and so even the officers who have the powers, must not be allowed to exercise them. It seems, Sir, in the case of these Sripadom lands, they are realising at the rate of 24 chs, per *para*. When the commutation rate is so high, when the generosity of the Government does not affect the authorities of the Sripadom Palace how will this House be justified in granting such extraordinary powers, of the Tahsildars under the Revenue Recovery Regulation, to the officers of the Sripadom Palace, especially in this time of serious financial stringency, particularly when we have no control, when the Government have no control over these officers. As the Law Member quibbled, Government have power only over their *functions* and not over their persons. In these circumstances, how are we justified in conferring these high powers on these officers, especially in these days of financial stringency, when we are trying to take off the powers from the officers of *Government* who have to collect Government revenue which is to be spent for the benefit of the people, for the general administration of the country? But, Sir, the Sreepadom revenue is intended for the private use of an individual or a corporation, however respectable it may be. The justification for the exercise of the powers under the Revenue Recovery Regulation is, in theory, I think, that the collections are to be spent for the benefit of the people.

PRESIDENT: That is going much beyond the scope of the present discussion.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): I shall presently show, Sir, how it is relevant to my argument.

Even in regard to the collection of such public revenue, intended for the benefit of the people, the exercise of the powers under the Revenue Recovery Regulation is objected to now, by the majority of the members of this House, on account of the present serious economic depression. How can we give the extraordinary powers at this time of financial stringency to collect the revenue for a private body from a locality at a rate which is higher than the rate at which the Government revenue is collected?

MR. K. GEORGE (*Chief Secretary to Government*): May I inform the member that the Sreepadom is collecting revenue at the reduced rate of 20 chackrams,—that is lower than the Government revenue on Kandukrishi lands?

MR. K. MADHAVAN PILLAI (*Trivandrum* cum *Neduvangad*): That was only till Mithunam last.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): Mr. K. P. Madhavan Pillai who comes from the place knows it better. He says that it is 24 chackrams. What I say is that even if it is 20 chackrams it is not very low.

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PRESIDENT: It is the same rate as the Government rate for Kandukrishi paddy here.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): But now Government have given a chance of paying this tax in kind.

PRESIDENT: Not in Trivandrum.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): I think that this House will not be justified in giving this right to a body over whom we have no control. The Law Member said that we can recall those powers if they are abused. In spite of that I ask why not we proceed with caution. Why not we give the powers of a proverthicar to the manager of the Sreepadom and see whether they are able to collect the arrears? When it is not possible to collect the arrears then we will think of conferring the powers of a Tahsildar. I do not for a moment minimise the necessity of this piece of legislation. But the House must be convinced of the necessity. That is why I said this matter must be taken up in the next session. By that time one may know things more intimately. But that was not granted. Since there is the difficulty of want of comprehensive knowledge of the matter, from the arguements that I have heard here, and from the arguements of the Government Benches, what I gathered was that the sum and substance of this piece of legislation is to confer additional powers on the Sreepadom authorities. Well, Sir, I have sent in some amendments without knowing the history of this legislation here. If these men had the necessary qualifications as the departmental officers have, qualifications necessary to hold such appointments, that would have been a different matter altogether. But since we are not assured of any such thing, since we are going to give a power to an authority whom we cannot question at all, it may be a very delicate thing to question at all since even this cautious piece of legislation will be quite good not only for this House but also for the Sreepadom authorities who may learn to know how to use powers in a legitimate way. We will stop with giving them the powers of a Proverthicar. And then if the powers are used properly, and if more powers are found to be necessary, then come for additional powers. Then they may be induced to be moderate in regard to this. Sir, I think it is better for the Government to accept this amendment.

Perhaps it may be said that there is a sting at the tale when you state at the end that all people may be given these powers but not the employees of the Sreepadom Palace. From a cursory view of it that may look unfair and unjust. But that is not the view of the mover of the amendment. It is only to proceed cautiously and see how this law will work that the amendment is moved. I think that the Government will see their way to accept this amendment and come in for a bigger dole another time.

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): I beg to submit a point of order for the ruling of the Chair. The second amendment on the list reads thus—

PRESIDENT: We are at the first amendment.

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MR. A. S. DAMODARAN ASAN (*Mavelikara cum Kartikapalli*): I am submitting a point of order for the ruling of the Chair.

PRESIDENT: My ruling is that it does not arise now.

MR. A. S. DAMODARAN ASAN (*Mavelikara cum Kartikapalli*): Let me submit my point of order. If the second amendment is taken up, there will be no necessity for the first amendment. It covers a wider field.

PRESIDENT: That is the ruling I give.

MR. A. S. DAMODARAN ASAN (*Mavelikara cum Kartikapalli*): If the second amendment is taken up to-day, the members cannot talk about the first amendment then.

PRESIDENT: I tell you, Mr. Damodaran Asan that the discussion now must be confined to the first amendment.

MR. A. S. DAMODARAN ASAN (*Mavelikara cum Kartikapalli*): All that I wish to submit is that if the second amendment is taken up first, there is no necessity for the first amendment.

PRESIDENT: But it is not going to be taken up first. This is not the time to raise that point of order. You ought to have stated that before we began discussing this amendment.

MR. A. S. DAMODARAN ASAN (*Mavelikara cum Kartikapalli*): Sir, in supporting the motion for amendment, I beg to make a few observations. Sir, this amendment is intended to make the proposed amendment of the Revenue Recovery Regulation as harmless as possible. When the Government come forward with a Bill to amend a particular Regulation, it is the duty of the Government to make out a necessity for amending the Regulation. Government must say that either for carrying out the administration of the State an amendment is absolutely necessary or that in the interests of the people the amendment must be allowed. In this case it has been stated that there is necessity for this amendment; and I asked my friend Mr. Govindan as to who felt the necessity for the amendment. He said that it was the Sreepadom that felt the necessity. Sir, when we come forward with a Bill to amend a particular Regulation it must be for a necessity felt either by the Government or by the people. I do not think that the Law Member has made out a case that there is such a necessity for this Bill. The second thing that has been stated in support of this Bill is that since we are investing the Government with certain powers which we could trust to be properly used we need not hesitate to give sanction for this amendment. Sir, it appears that it was Lord Haldane who once observed that the legislature should not as far as possible delegate its functions to the executive. Here what is wanted is that we should authorise the Government to invest certain officers with certain extraordinary powers. This Council will be shirking its responsibility if it is going to say that, because we have trust in the Government, we may entrust the Government with this business. If we do so we will not be doing our duty to the country. What is the difficulty in enacting a legislation which does not leave such residuary

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[Mr. A. S. Damodaran Asan.

powers in the Government. I think there is absolutely no ground for our delegating this legislative function to the Government.

Then the point that has been raised is that this amendment itself was suggested by the Government because this is included in the explanation under Section 1 of the Revenue Recovery Regulation. There, as the learned Deputy President observed, the insertion of Sreepadom lands was made after long discussion and much deliberation. If we refer to the proceedings of the Council to which reference was made by Mr. Govindan, we find that a committee, appointed by the Council to consider the necessity and to suggest the advisability of including Sreepadom under this, reported that Sreepadom should not be included under that explanation. I find that in that explanation Sreepadom also was included and that the observations made by the official member deserves the attention of this House. He says after accepting this amendment:—"The land holders under the estates cannot be worse off than Government ryots to whom the Bill applies. If at all, they may be at an advantage. The Government officers charged with the working of the provision may naturally be inclined to exercise closer scrutiny in these cases than in those of Government arrears."

From this, it was quite clear that this provision was intended to be applied by Government officers and it was expected that the Government officers so authorised will exercise closer scrutiny. Now after including the Sreepadom under the explanation the Government say that they should be authorised to invest this power on the officers appointed by the Sreepadom. Sir, I think that it is not consistent with what was said by the official member when this Revenue Recovery Regulation was passed.

MR. M. GOVINDAN (*Nominated*): Then what is the use of including the Sreepadom under this Revenue Recovery Regulation rather than under the Estates Rent Recovery Regulation?

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): Well, Sir, it was only to respect the sentiments of the non-official member who moved it. I will just read that part.

The Committee appointed to report on the Sreepadom and other estates said as follows:—

> "We have given the matter our best consideration and are of opinion that it is expedient to pass a separate Regulation applying the provisions of the Revenue Recovery Regulation to those estates, and declaring at the same time, the relation of these estates to the holders of lands therein and to the Government so far as it concerns the rates of assessment, the system of accounts, &c.
>
> "In this view, we have drafted a Bill which will be introduced at the next meeting of the Council by Mr. P. Thanu Pillai."

After the submission of the report the Bill as well as the report was presented to the Council and the following took place:—

> "The Valia Koil Thampuran moved that in the 'Explanation' following clause (at section (1), the words "and Sreepadom" be inserted after the word 'Kandukrishi'). He said:—

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"The reason for my moving the amendment which I suppose you have all seen is that the Sreepadom lands are, in my humble opinion, on a par with the Kandukrishi lands, being the personal property of the Sovereign, who has conferred on the female members of his family the privilege of holding them, (and I do not think that they have any more than a life interest in these Estates) and that it is derogatory to the position of the Ranees that Sreepadom should be included in the new Bill as if it were an Edavagai similar to Edapalli or Kilimanoor, the consideration shown to which too is, you see, now claimed with sufficient reasons, I believe, by the Poonjat Chief also."

In supporting the amendment, the official member said "The sentiment of which reference has been made by the mover of the amendment, is also, in my humble opinion, entitled to the highest respect and consideration from this Council."

Sir, it is the sentiment that has weighed with them in including Sreepadom under this Revenue Recovery Regulation.

MR. M. GOVINDAN (*Nominated*): If sentiment has weighed with them, should not sentiment weigh with us also to a degree?

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*) : I think discretion should weigh with us. We should not be weighed by sentiment in enacting a legislation. If sentiment weighed with them, we do not come forward and say that it should be taken away from the Revenue Recovery Regulation. When it was stated by the official member that the land holders were not in any difficulty, on the other hand, they were in a more advantageous position because Government Officers will exercise closer scrutiny with regard to Sreepadom land, is it proper for us now to give power to Government to invest the Sreepadom with these extraordinary powers which are now conferred on these officers? Mr. Govindan was saying that since the Karyakar of the Sreepadom is appointed by His Highness he will exercise it properly. I do not know whether that appointment is made by the Sovereign. My friend Mr. Govindan is under a misapprehension when he said that it was in 1099. It took place in 1892. So many changes have occurred after that. I should like to hear from the Government member whether even now the appointment of Karyakar is made by His Highness the Maha Rajah or by the Sreepadom authorities. That was one of the arguments advanced at the time of passing this Regulation for insertion of Sreepadom. What I would suggest is that in view of all these circumstances it will not be proper for this Council to delegate their authority to the Government by which we will not be doing justice to the people whom we represent.

With regard to the Municipal Presidents and other things my own view of the matter is that whatever may be the defects in regard to election and other things, I am for conferring on them the powers that are enjoyed by officials. I do not say that the people have absolute control over them. At any rate they are elected by us since they are non-officials and I do not agree that since officials play a fair share in the election we should not confer on them power. They are entitled to that amount of respect from our hands which is claimed by officials.

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MR. K. KUNJUKRISHNA PILLAI (*Quilon*): What does the member say about the people who will suffer by that?

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): It is the people who ought to know that.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): Does the member attach more authority to indirect election than direct election?

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): I say there are defects in the election and it is capable of improvement I say that, but we do want our local Government institutions to develop. We should not say that they should not be given these powers.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): Does the member say that local Government should develop at the expense of the rights of the ordinary citizens?

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): I know that full well and that is why I say like this.

MR. K. KUNJUKRIHSNA PILLAI (*Quilon*): May I ask the member as to whom any abuse of power, if there is abuse of power by the Municipal Presidents, will affect?

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): It will affect the persons against whom it is used.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*) What is the objection of the member to limiting the power of the Municipal President to that of the Tahsildars? If the Municipality can be run with the powers of the Tahsildars, that is, even without the confirment of the power of Dewan Peishkar, what is the objection in limiting the powers of the President to that of a Tahsildar?

MR. A. S. DAMODARAN ASAN (*Mavelikara* cum *Kartikapalli*): I have absolutely no objection to give the Municipal Presidents of Trivandrum and Quilon the status of Dewan Peishkars. If we give the same power to one Municipal President, it should be given to others also. He is a non-official of the same status as the Dewan Peishkar. So he may be given the powers of a Dewan Peishkar. He is a non-official and he comes by election.

MR. K. GOPALAKRISHNA PILLAI (*Parur*): Sir, I also support the motion. I support it not from a historical point of view or from a legal point of view; but viewing the question from a humanitarian point of view, I think this amendment should have the support of the House. By this Bill the Government is going to be vested with the power of delegating its powers to officers of a landholder, a private agency, and that without the outside control of the Government. The land-owner or the peasant who works on the land, who is really the owner of the land, has no voice even in the matter of delaying the rent due from him to the landlord. If a slight delay is caused the landlord is going to be vested with the authority to deal drastically with him. The only source from which the poor land-owner or the peasant can receive any help is from the Government. If the

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Government are going to delegatet hat authority to the officers of a land-lord, Government are going to deny the poor peasants the justice that they deserve at their hands. Whether they use it well or ill matters very little to him. The peasant fears, and his fear is to a certain extent right I think, that the extraordinary power that is going to be vested with the land-lord will affect him adversely. So the only consideration that ought to weigh with the Government and this House investing the land-lord or the Sreepadom officers with such extraordinary powers is not justifiable. The already oppressed peasant will be more oppressed by such an enactment. So this House should think twice before delegating its power to the Government, the power of giving such powers to officers of the Sreepadom. Moreover the necessity for such a drastic step has not been brought to the notice of this House. Even now the loyal and law-abiding peasants of our land are paying their taxes in spite of the economic depression in time and there are very few cases of shirking their responsibility. If more cases had been brought to this House of shirking when they are able to pay, such a drastic step ought to have received our attention. Since such a contingency has not arisen, I think the vesting of such powers in such officers would be unwarranted on our part. So I support this amendment.

MR. P. S. MAHOMED (*Nominated*) : സർ, മി. താണുപിള്ള ഇവിടെ ഹാജരാക്കിയിട്ടുള്ള അമൻഡുമെൻറിനെ ഞാൻ എതുക്കുന്നു.

മുൻസിപ്പാലിറ്റി, വില്ലേജ് പഞ്ചായത്തു്, ശ്രീപാദം എന്നീസ്ഥാപനങ്ങൾക്കു ചില അധികാരങ്ങൾ കൊടുക്കുന്നതിനെസംബന്ധിച്ചുകൊണ്ടുവന്നിട്ടുള്ള ബില്ലിൽ ഒരു ഭാഗം ഭേദപ്പെടുത്തുന്നതിനുവേണ്ടി അതായതു ഏതെല്ലാം ഉദ്യോഗസ്ഥന്മാർക്കു എന്തെല്ലാം അധികാരം കൊടുക്കാമെന്നു പറയുന്നഭാഗത്തു തഹശീൽദാർക്കും പേഷ്കാർക്കും കൊടുക്കാൻ പാടില്ല എന്നുള്ള ഭേദഗതിയാണു് ഞാൻ എതുക്കുന്നതു്.

PRESIDENT : Mr. Mahomed, please note that the amendment as it stands does not affect the Municipalities or Panchayats.

MR. P. S. MAHOMED (*Nominated*) Since he has put it before the House it is my duty just to give him an explanation.

മുനിസിപ്പൽപ്രസിഡൻറിനു അധികാരം കൊടുക്കുന്നതിൽ അനൌകൃത്യമായി എൻെറ സ്നേഹിതൻ മി. കുഞ്ഞുകൃഷ്ണപിള്ള കാണുന്നതു രണ്ടു സംഗതികളാണു്. ഒന്നാമത്തേതു ആ ഇലക്ഷൻ ഡയറക്ടായിട്ടുള്ളതല്ല. അതുകൊണ്ടു പാടില്ലാ എന്നാണു്. പൊതുജനങ്ങളിൽ കാര്യബോധമുള്ള ആളുകളാണു് ഒരാളെ പ്രതിനിധിയായി മുൻസിപ്പാലിറ്റിയിൽ അയക്കുന്നതു്. ആ പ്രതിനിധികൾ അവരെക്കാൾ കൂടുതൽ ശേഷിയും യോഗ്യതയോടുകൂടിയും പ്രവർത്തിക്കാനുള്ള പ്രസിഡൻറിനെആണു് എടുക്കുന്നതെന്നു എല്ലാവർക്കും പൊതുവെ മനസ്സിലാക്കാ

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വുന്നതാണ്. പ്രക്ഷോഭകരമായ പ്രസംഗംകൊണ്ടോ പ്രവർത്തികൊണ്ടോ ജനങ്ങളെ സ്വാധീനമാക്കുന്നതുപോലെ പെട്ടെന്നു സമ്പാദിക്കാവുന്ന ഒരു സംഗതിയല്ല ഇതു എന്നുള്ളതു് എല്ലാവർക്കും അറിയാം. ഉത്തരവാദിത്വമുള്ള ഒരാളെയാണു തിരഞ്ഞെടുക്കുന്നതു്.

മറ്റൊരുസംഗതി മിസ്റ്റർ കുഞ്ഞുകൃഷ്ണപിള്ള പറഞ്ഞതു ഇലക്ഷൻകൊണ്ടു ഈസ്ഥാനത്തിൽ കയറുന്ന ഒരാളിനു എക്സിക്യൂട്ടീവ് അധികാരംകൂടി ഉണ്ടെങ്കിൽ, അദ്ദേഹത്തിനു എതിരായിട്ടുള്ള ആളുകളെ ഉപദ്രവിച്ചുകളയും എന്നാണു്.

PRESIDENT: He did not say any such thing.

MR. A. THANU PILLAI (*Trivandrum*): ഡയറക്ട് ഇലക്ഷനൊ ഇൻഡ്യറക്ട് ഇലക്ഷനൊ നല്ലതു്?

MR. P. S. MAHOMED (*Nominated*): അതിനപ്പറ്റി പറയാം.

വോട്ട് ചെയ്യുന്ന അവസരത്തിൽ അതിനർ ഉത്തരവാദിത്വത്തെ ആലോചിച്ചു യോഗ്യന്മാരായിട്ടുള്ള ജനപ്രതിനിധികളെയാണു് പൊതുജനങ്ങളും തിരിഞ്ഞെടുക്കുന്നതു്. അങ്ങിനെ അവർ തിരിഞ്ഞെടുക്കുന്ന ഒരാളെ വിശ്വസിക്കാതിരിക്കുക എന്നുള്ളതു് അവരിൽ ശങ്കയെ ഉണ്ടാക്കുന്ന ഒരു സംഗതിയാണു്.

MR. A. S. DAMODARAN ASAN (*Mavelikara cum Kartikapalli*): അവരേയും ഇലക്ഷൻ കൊണ്ടല്ലെ തിരിഞ്ഞെടുക്കപ്പെടുന്നതു്?

PRESIDENT: That is absolutely irrelevant to the discussion.

MR. P. S. MAHOMED (*Nominated*): ഈ ഭേദഗതിയുടെ മൻസിപ്പാലിറ്റിയും മറ്റു സംഗതികളും കൊണ്ടുവരുന്നതു് അനാവശ്യമാണു്. അനാവശ്യം കൊണ്ടുവന്നതുകൊണ്ടു ഈ അനാവശ്യവും ഞാൻ പറഞ്ഞു എന്നേ ഉള്ളു.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*) മൻസിപ്പാലിറ്റി എങ്ങിനെ അനാവശ്യമായി?

MR. P. S. MAHOMED (*Nominated*): പ്രസിഡൻറ അതിനെപ്പറ്റി റൂളിംഗ് പറഞ്ഞതുകൊണ്ടു അതിനെപ്പറ്റിപ്പറയുന്നില്ല.

ഇന്നത്തെ അമൻറുമെൻറ് ശ്രീപാദത്തെ സംബന്ധിച്ചിടത്തോളം മറ്റൊരു പ്രത്യേക രീതിയിൽ പോകേണ്ട ആവശ്യമില്ലാ, എന്നാണു്. പബ്ലിക്ക് റവന്യൂ എന്നുള്ള നിലയിൽ ശ്രീപാദം വസ്തുക്കളുടെ ഡ്യൂസ് പിരിക്കുന്നതിനു സാധിക്കാത്തതിനാൽ ആ റവന്യൂ പിരിക്കുന്നതിനുള്ള ചുമതല, പബ്ലിക്ക റവന്യൂ എന്നു പറഞ്ഞ ഗവണ്മെൻറിൽ തന്നെ സ്ഥിതിചെയ്യുന്നു. ആ ഡ്യൂസ് പിരിച്ചു എവിടെ ശേഖ

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രിക്കണമൊ അവടെ, പിരിച്ചു ശേഖരിക്കുന്നതിനുള്ള ഉദ്യോഗസ്ഥന്മാരെ കൊടുക്കേണ്ടതു് വളരെ അത്യാവശ്യമാണു്. കൌൺസിലിൽ കൊണ്ടുവരാതെ തന്നെ വേണമെങ്കിൽ അങ്ങിനെ ചട്ടം ഉണ്ടാക്കാം. എന്നാൽ അങ്ങിനെയുള്ള ചട്ടം ഏർപ്പെടുത്തുക്ക ആവശ്യം തിരുവിതാംക്കൂറിലേ ഭരണാധികാരികൾക്കു ഇല്ലെന്നു.....

MR. A. THANU PILLAI (*Trivandrum*): കരം പിരിച്ചു കൊടുക്കേണ്ടതു മുമതല ഗവണ്മെൻറിനാണെന്നു തന്നെ പറയുന്നു.

MR. P. S. MAHOMED (*Nominated*) : കരം പിരിക്കുന്നതു ആരു? കരം പിരിക്കാനുള്ള സൌകര്യം ചെയ്തുകൊടുക്കേണ്ടതു മുമതല പബ്ളിക്കു റവന്യു ആണെന്നു പ്രസ്ഥാവിച്ചു ഗവണ്മെൻറിനാണ് ഉള്ളതു്.

MR. A. THANU PILLAI (*Trivandrum*) ആ സ്ഥിതിക്കു ഗവണ്മെൻറു തന്നെ പിരിച്ചു കൊടുക്കുന്നതല്ലെ നല്ലതു്?

MR. P. S. MAHOMED (*Nominated*) : തിരുവിതാംക്കൂറിലെ പ്രജകളുടെ ആവശ്യത്തിനുവേണ്ടി ഗവണ്മെൻറിനു പല പ്രവൃത്തികളും ചെയ്യേണ്ടിയിരിക്കുന്നു. ക്രൂടാതെ അതുനിമിത്തം റവന്യു അധികൃതന്മാക്കു കൂടുതൽ ജോലിയും വന്നുചേരുന്നു. അതിനാൽ തിരുവിതാംക്കൂർ ഗവണ്മെൻറിൻെറ ട്രഷറിയിൽനിന്നും ശമ്പളം വാങ്ങുന്ന ഉദ്യോഗസ്ഥന്മാരെ കൊണ്ടു വേറെ ജോലി ചെയ്യിക്കുന്നതു ശരിയല്ല.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*) : തിരുവിതാംക്കൂർ രാജകുടുംബത്തിൽ ഉള്ള അംഗം വേറെ എന്നാണോ മെമ്പർ പറയുന്നതു്?

PRESIDENT : You need not answer that question.

MR. P. S. MAHOMED (*Nominated*): ഞാൻ അങ്ങിനെയല്ല പറഞ്ഞതു്. ട്രഷറിയിൽനിന്നും ഗവണ്മെൻറുദ്യോഗസ്ഥന്മാക്കു ശമ്പളം കൊടുക്കുന്നതു ജനങ്ങൾക്കുവേണ്ടി വേല ചെയ്യുന്നതിനാണു്. ശ്രീപാദം സംബന്ധിച്ചു ജോലികൾ ചെയ്യുന്നതിനു അനേകം ആളുകൾ അതിലുണ്ടു്. അവക്കു ശമ്പളവും കൊടുക്കുന്നുണ്ടു്. കരം പിരിക്കുന്നതിനുള്ള അധികാരം മാത്രം അവക്കു കൊടുത്താൽമതി.

MR. A. THANU PILLAI (*Trivandrum*): പിരിക്കുന്നതിനുള്ള ചിലവു അവിടെനിന്നും വാങ്ങിച്ചുകൊണ്ടു ഗവണ്മെൻറിൽനിന്നും പിരിച്ചുകൊടുക്കുന്നതുകൊണ്ടു വിരോധമുണ്ടോ?

MR. P. S. MAHOMED (*Nominated*) : അതുയും വിഷമിക്കുന്നതിനേക്കാൾ നല്ലതു്, ഉത്തരവാദിത്വബോധമുള്ളവരും, കൊള്ളാവുന്നവരുമായ അതിലെ ആളുകൾക്കുതന്നെ ഈ കരം പിരിക്കുന്നതിനു ഏൽപ്പി

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[Mr. P. S. Mahomed.]

ല്ലാം അധികാരങ്ങളും ആവശ്യമുണ്ടോ അവയെ അവരെ വിശ്വസിച്ചു നൽകുകയാണു വേണ്ടതു്. ഇതിനുംപുറമെ ജനങ്ങൾക്കു നാടുചെല്ലുന്തോറും അവകാശങ്ങൾ കൂടുതൽ വേണമെന്നു ആവശ്യപ്പെട്ടുകൊണ്ടിരിക്കുകയും കൂടുതൽ അവകാശങ്ങളും വാങ്ങിക്കൊണ്ടിരിക്കുകയും ചെയ്യുന്നു. ഈ അവകാശം ഏതു് അധികാരസ്ഥാനത്തിരിക്കുന്നവരോ അവിടെനിന്നും കുറച്ചു കുറച്ചു കൊടുത്തു് അതിനെ അവർക്കു സംരക്ഷിച്ചുകൊണ്ടുപോകേണ്ടതിനുള്ള ആനുകൂല്യങ്ങളും ചെയ്തുകൊടുക്കുകയും അവർക്കുവേണ്ട എല്ലാ സൌകര്യങ്ങളും ചെയ്യുന്നതിൽ തിരുവിതാംകൂറിലെ പൌരന്മാർ സ്വാർത്ഥം കൂടി ഉപേക്ഷിക്കുന്നതിനു മുമതലപ്പെട്ടവരാണു് എന്നും അവർക്കു് കാണിച്ചുകൊടുക്കേണ്ടതാണു്.

MR. A. THANU PILLAI (*Trivandrum*): ആരുടെ ഗുണത്തിനായാലും ഈ മുമതല ശ്രീപാദത്തിലേക്കു വാങ്ങുന്നുണ്ടോ?

MR. P. S. MAHOMED (*Nominated*): ഇല്ലെന്നു് മിസ്റ്റർ ഗോവിന്ദൻ ഇവിടെ പറഞ്ഞു.

ഇതു് ക്രൗൺ വക വസ്തുവാണെന്നും ക്രൗണിന്റെ ഫാമിലിയിലേക്കു് ഉദ്ദേശിച്ചിട്ടുള്ള സ്വത്താണെന്നും എല്ലാവർക്കും അറിയാം. അങ്ങനെ ഇതു് ഒരു പ്രത്യേകസംഗതിയല്ലെങ്കിൽ ഇതിനെ പബ്ലിക്ക് റവന്യൂ ആയി കരുതുകയില്ലായിരുന്നു.

MR. A. THANU PILLAI (*Trivandrum*): അവകാശം ആരോടും ആവശ്യപ്പെടാമല്ലൊ?

MR. P. S. MAHOMED (*Nominated*): അങ്ങിനെ അവകാശപ്പെടുന്നതു് സ്വാർത്ഥമനസ്ഥിതിയോടുകൂടിയാണെന്നു് കാണാം.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): ഇതിൽ സ്വാർത്ഥം എന്താണു് ഉള്ളതു്?

MR. P. S. MAHOMED (*Nominated*): അതെന്താണെന്നു് ഇവിടെ പറഞ്ഞതിൽനിന്നും മനസ്സിലാക്കാം.

MR. A. THANU PILLAI (*Trivandrum*): ഏതുഭാഗത്താണു് സ്വാർത്ഥം കാണുന്നതു്?

MR. P. S. MAHOMED (*Nominated*): ഈ അധികാരം കർസ്തമാക്കി വച്ചുകൊണ്ടിരുന്ന സ്ഥാനത്തുനിന്നും ആ അധികാരം ജനങ്ങൾ തന്നു. അതിനുശേഷം ആ അധികാരം തന്നവരുടെ ഏതെങ്കിലും ശാഖകൾക്കു ചില അധികാരം വേണമെന്നു് ആവശ്യപ്പെട്ടാൽ—അതു് ഒഴിച്ചുകൂടാൻ പാടില്ലാത്തതുകൊണ്ടു് ആ അധികാരം ആവശ്യപ്പെട്ടാൽ —

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കൊടുക്കുകയില്ല എന്നു് മക്കടമുഷ്ടി പിടിക്കുന്നതു തന്നെയാണു് സ്വാ
ത്ഥം. ഇതുംപറഞ്ഞുകൊണ്ടു് മി. താണുപിള്ളയുടെ അമൻറ്മെ
ൻറിനെ ഞാൻ എതിർക്കുന്നു.

MR. N. K. KRISHNA PILLAI (*Neyyattinkara*) : I would add a few words in support of Mr. Thanu Pillai's amendment. The question has been threshed out on the floor of this House at great length in all its aspects, with all its implications, so much so, one goes with the impression that those who speak on the motion are only repeating the arguments that have been already advanced. That is quite true. When this Bill was introduced for the first time in the House, I was one of those who opposed its introduction. Then the point I emphasised was, and I still stick to that, that it was certainly inexpedient, unwise and also derogatory to the members on this side of the House to be a party to the passing of this legislation which is intended to confer some benefit on a private body over whom even this Government have no effective control. Sir, the Law Member was telling us that the Government could withdraw the powers conferred on the officers of the Sreepadom Palace if it is found those officers err. He also told us that this withdrawal of these powers would amount to dismissal. I am at a loss to understand how this withdrawal of powers would be tantamount to a dismissal of an officer. Government may withdraw the powers, and at the same time, that officer may be enjoing all the amenities as a Sreepadom employee at greater ease.

MR. M. GOVINDAN (*Nominated*): Would not that withdrawal of powers serve as a punishment to the officer concerned?

MR. N. K. KRISHNA PILLAI (*Neyyattinkara*) : No, it is not a punishment in this particular instance. Then, Sir, can the Government insist on Sreepadom authorities that the officers appointed by them should have some educational qualifications. I presume Government cannot do even that. To a pertinent question asked by Mr. Asan as to whether, if we allow this Bill to be passed now, any member of the House on a future occasion will be competent to bring an amending Bill to remove the powers that are now sought to be conferred on Sreepadom officers the ready answer given by the Law Member, I think, was in the negative. So my humble opinion is that if we are to be a party to this legislation we shall be even doing an injury to ourselves. Even now we are a powerless body. By that expression, I refer to the members on this side of the House. If we are to be a party to this legislation, as I said already, which is intended to benefit a private body whom we cannot question, my submission is, that we shall be driving out to a position which we cannot reconcile with ourselves with due respect to our self-respect and honour. What is now intended to be done is, that we should confer some rights on a body whom we cannot question. With regard to this, I am reminded of what took place on a former occasion when this Bill was introduced for the firs

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time in this House. Then, Sir, there was some reference made with regard to the necessity for safeguards. Even our revered Deputy President who then enlightened us with a long and instructive speech, at least his speech imported—it insisted on the necessity for some safeguards. If I am permitted to refer to the proceedings of this Council I would like to refer to the particular passage in his speech. This is what he said.

PRESIDENT: What is the purpose of reading that with regard to your argument?

MR. N. K. KRISHNA PILLAI (*Neyyattinkara*): Simply to show that there must be some safeguards.

PRESIDENT: The proceedings are in everybody's hands.

MR. N. K. KRISHNA PILLAI (*Neyyattinkara*): Then I shall not refer to that.

The present Bill has come out of the Select Committee in the same form as it appeared when it was first introduced in this Council. I do not know what transpired in the Select Committee stage and whether any members made recommendations for inserting a safeguard clause also. What I find is that two or three members have given a dissenting minute. So in the Bill, as it is, there are absolutely no safeguards. For these reasons, I most strongly support the amendment of Mr. Thanu Pillai.

MR. A. THANU PILLAI (*Trivandrum*): Several arguments have been advanced in answer to what I stated while making the motion and also in attempting to make it appear that my amendment should not be accepted. At the outset, I may dispose of certain observations in regard to Municipalities and other Local Bodies. My amendment does not touch the Municipalities or other local bodies. I am not concerned as to, whether direct election or indirect election will be a better method of having a President elected to a Municipality, I am concerned with a much more serious, a much more important question. Of course, my amendment, I should again repeat, is placed on much wider foundations. That touches, Sir, the liberty of the citizen, the rights of a citizen, and such other fundamental matters, much more important than certain small questions that have been raised here, in the course of the discussion. Sir, I wish to make at the outset the point quite clear in answer to what Mr. Mahomed stated. The Travancore Government and the Sreepadom are two distinct entities. In dealing with this question which affects the rights and liberties of citizens, we should by no means be misled by considerations that have no foundation in fact. I fully appreciate the fact, that Sreepadom is part of the Royal family of Travancore, which we all love and pay allegiance to. There is no denying that fact. It was suggested by Mr. Govindan, that Sreepadom lands are, after all, lands belonging to

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the Sovereign. The Sovereign only parted with some of his lands in favour of other members of the family, and so, certain special considerations ought to be shown in regard to the collection of dues, relating to those properties. Sir, certain special considerations have been shown. But how far can those special considerations go? That is the question. I am not sure whether the Government benches will now accept the position that these lands are lands belonging to the Sovereign, forming part of Kandukrishi lands, and they are for the purposes of enjoyment, given over to some members of the Ruling House. I tried to elicit an answer with regard to this matter from the Law Member when this question was discussed on a former occasion But I failed to get a definite answer. From the way in which he answered it, I was led to think that he is not now prepared to accept the position that these lands are Crown lands,—lands belonging to the Sovereign. I am willing to be corrected if he is in a position to make a definite statement in regard to that matter. Whatever might have been the history of these lands, the fact now is clear, that these lands are enjoyed by the Sreepadom Ranis, that their management vests entirely with the Sreepadom, and neither His Highness the Maha Raja nor the Government has anything to do with the management of these lands. That is a position which I think will not be disputed. Mr. Govindan referred to the fact that in the speech made years ago by the then Valia Koil Tampuran it was stated that the Chief Officer of the Sreepadom establishment was appointed by the Maha Raja. Sir, I do not know whether that was correct or not. We have to take it that that was correct at that time.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): Is it a fact that at that time the Ranees were minors?

MR. A. THANU PILLAI (*Trivandrum*): No. At the time the Revenue Recovery Regulation was passed,—that was in 1068—when Her Highness the Late Senior Rani was living, Sreepadom was not under a minority administration. It may be, that, at that time, the Chief Officer of the Sreepadom was appointed by His Highness the Maha Raja. Afterwards, during the time their Highnesses the Senior and Junior Maha Ranees were minors, Sreepadom affairs were administered by the Government. During that period, Sreepadom officers were no doubt appointed by Government. But that does not help either side in the consideration of this question. Those facts we have to eschew altogether out of consideration in dealing with this matter. But after Her Highness the Senior Maha Rani attained majority, and took over the management of the Sreepadom affairs, my information is that the Chief Officer as well as all other officers of the Sreepadom establishment have been appointed by Her Highness without reference to the Government or His Highness the Maha Raja. Sir, I am subject to correction; but I think my statement is correct. So the considerations that were placed before this House by Mr. Govindan do not stand on any foundation.

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Then, coming to another aspect of the matter, even though the Chief Officer of the Sreepadom was appointed, at the time the existing Regulation was passed, by the then Maha Raja; the Regulation we find did not confer on the officers of the Sreepadom Palace, the powers that were sought to be conferred on Peishkars, Tahsildars and Proverthikars. Now, much was made of the fact that the Sreepadom is included and brought under the definition of the term public revenue, and so, it naturally follows that the Sreepadom employees should be invested with the powers. Sir, I am at a loss to understand the logic of that argument, when the Regulation itself was passed, they defined public revenue so as to include Sreepadom dues. But at the same time they did not make provision for conferring these powers on any of the Sreepadom employees. Why I ask? And why was it that the term was so defined as to include Sreepadom dues. As has been mentioned here, the Sreepadom authorities thought that their prestige would suffer by being put on the same category as the Edapalli Chief or the Kilimanur Chief. They did not want to be bracketed along with those chiefs. Very well, the Government and the Legislature at the time, accepted that contention and said 'no'. "You will not be placed on the same footing as those people. "Your dues will be considered as public revenues for the purpose of collection, and the Revenue Recovery Regulation will be applied for collecting those dues." The question then naturally arises if the method of collecting the dues be through the agency of Government officials, why were not Sreepadom lands dealt with in the Rent Recovery Regulation. Why were they dealt with under the Revenue Recovery Regulation. Sir, to that, I answer that the Sreepadom authorities did not like to be treated in the same way as the chiefs of Kilimanur and Edapalli. So, they did not want to come in under the Rent Recovery Regulation.

MR. M. GOVINDAN (*Nominated*): What is the substantial difference between the two?

MR. A. THANU PILLAI (*Trivandrum*): Sir, Mr. Govindan now asks me what substantial difference there is. He himself emphasised the fact, that sentiments weighed very much with the legislature of that time. I also say the same thing. It was sentiment. The Sreepadom authorities or the Attingal Ranees did not like to stand on the same footing as the Kilimanoor and Edapalli chief. They did not want to come in under a Regulation. The fact is that they said that they ought to be treated separately. If sentiment has any value, a Regulation, affecting those two chiefs, should not be made to affect the Sreepadom people also. I suppose there is substantial difference in that. That was all they wanted. Government said, "Alright. We respect your sentiments. Your dues will be collected in accordance with the provisions of the Revenue Recovery Regulation and not in accordance with the provisions of the other Regulation. Only the collecting agency will be Government officers." I think there is substantial difference. That was all that they did.

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Then they could have made provision for investing these Sreepadom officers with the powers under discussion now. That they have not done. That shows clearly, that while bringing Sreepadom dues within the purview of the Revenue Recovery Regulation, they did not want to invest any Sreepadom employee with the powers of Dewan Peishkars and Tahsildars. If the Sreepadom, at any time, came, under the direct control of the Government, and Sreepadom officers were Government Officers, then the position is different. No other authorities want to invest such powers. That fact is clear. So no argument can be based upon the fact, that public revenue is so defined as to include Sreepadom. Then, Sir, I shall answer the Government member when he said—

PRESIDENT: So far as that is concerned, it is only in a very distant way relevant. So, further discussion on that is irrelevant.

MR. A. THANU PILLAI (*Trivandrum*): That was made much of, I think, by the Government member.

MR. M. GOVINDAN (*Nominated*): In Section 58, the expression used in Revenue Recovery Regulation is 'Any Officer' and in the Rent Recovery Regulation the expression is 'Our Officer.' Is it not a reasonable interpretation to assume that the legislature intended to use the term 'any officer' instead of 'our officer.' So, "any officer" may mean Sreepadom Officer also?

MR. A. THANU PILLAI (*Trivandrum*) The term officer itself has a meaning and it would be a most unreasonable interpretation. Any officer by name or by virtue of his office means any officer of the Government. There, they said, "our officers" because this Regulation clearly referred to the Edapalli and Kilimanur Chiefs.

MR. M. GOVINDAN (*Nominated*): So instead of 'any officer', is the best expression?

PRESIDENT: Mr. Govindan, that also is not relevant because we are not at the position whether, the Regulation as it stands, will include Sreepadom Officers.

MR. A. THANU PILLAI (*Trivandrum*): The amendment now does not relate to the whole amending Bill. Only it relates to the powers pertaining to certain officers.

PRESIDENT: Confine yourself as much as possible to the present amendment, please.

MR. A. THANU PILLAI (*Trivandrum*): Yes, Sir. I shall confine myself to the arguments advanced against me and will not travel beyond them. It is also cenceded now by the Law Officers of Government and by Government itself that the expression 'Officer' does not mean any officer or any person employed by anybody but only Government officers. Hence it is, that this attempt is made. Otherwise no amending Bill would have come in.

Further, even in the amending Bill the Law Member does not say 'any officer of Government or any officer of the Municipality or any officer of the Sreepadom Palace. He says, "any person" to bring in Sreepadom

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Palace employees also, he takes a round about way of using the expression, "any person engaged in or responsible for the collection of any public revenue." Sir, it is about these terms that I take objection to. Even now he does not refer to the officer. I refer to Sreepadom employees. So there is absolutely no point in that contention.

Sir, the next point was about the non-necessity of this measure. Mr. Paramesvaran Pillai in the course of his speech referred to the fact that about Rs. 70,000 or Rs. 80,000 or so have to be collected annually. I do not know if the figures are correct and said that the Government officers, namely, Tahsildars are not able to attend to this work along with their other duties. Sir, I beg to demur. I should like to place a few facts before the House for very careful consideration. Most of the Sreepadom lands are situated in Chirayinkil. Some lands, it appears, are situated in Trivandrum and in southern taluks. Now, by far, the major portion is situated in Chirayinkil, and, there, certain pakuthies have been given away to the Sreepadom Palace. At any rate, I do not know the history of those lands; certain pakuthies belonging to Sreepadom Palace. So far as those pakuthies are concerned, and so far as collection of taxes in respect of those pakuthies are concerned, the Tahsildar has absolutely no work to do. That is a point which the Law Member will do well to grasp.

Now, Sir, I ask, suppose the Sreepadom Palace were not given these lands and that the whole of the Chirayinkil taluk were under the administration of the Tahsildar of the Chirayinkil taluk, would it have been advanced that the Tahsildar is not in a position to collect the tax from all the pakuthies in that taluk? Is it suggested that the taluk minus these pakuthies is larger than and yields greater revenue than any other taluk in the State? The fact is this. So far as certain portions of the Chirayinkil taluk are concerned, the tax or pattom on the lands that belong to the Sreepadom Palace is paid to the Sreepadom and the Government get only the tax from the rest of the taluk in the same way as Kilimanur gets portion of the pattom from the taluk. The Tahsildar's work there under the existing arrangements is to collect the tax from the whole of the Chirayinkil taluk, whether the tax belongs to the Government or whether it is known as pattom and goes to the Kilimanur family or to the Sreepadom family. I think that there is absolutely no force in the contention that the Tahsildar is not able to attend to this work. That is exactly why the Tahsildar has been able up till now to attend to this work.

Again, Sir, the total tax and pattom to be collected is only a few thousands of rupees. Does it after all make it impossible for the Tahsildar to attend to his work? Do we not also find that the Tahsildar of the Chirayinkil taluk as the Tahsildars of many other taluks has now been divested of his magisterial functions, of his Devaswom duties and so forth? Was not Devaswom work a very important part of the work of the Tahsildar till recently? How is it alleged that the Tahsildar's hands are otherwise full, when as a

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matter of fact most of the other duties which the Tahsildar had been exercising in bygone days have been taken away from him and that he is not able to attend to his duties properly? I say Sir, there is absolutely no force in that contention. As for the lands belonging to the Sreepadom Palace, there are some lands in the Trivandrum taluk and in the Southern taluks and as in the case of the Chirayinkil taluk, the Tahsildars of these taluks are also fully able to cope with the work they have to do in this direction. This argument is strengthened by the fact that ever since the promulgation of the Revenue Recovery Regulation in 1068 this necessity has never been felt and that the need for this change is felt only now. So, Sir, I say that is only advanced as an argument but is not substantiated by facts.

Then it may be asked how is this work to be done and how was this work done till now and here I may make a suggestion. The Sreepadom proverthicar has only to submit his list of defaulters to the Taluk Tahsildar and then it will be for the Tahsildar to deal with the Sreepadom proverthicar as he deals with his other proverthicars. I do not see the difficulty mentioned by the Law Member would now arise. In the same way, with the lands in the Trivandrum Division and the Southern taluks, there can be absolutely no difficulty in the matter and there is no necessity for a change in the law.

The question may arise, then, why is it that this amendment is now sought to be effected. Sir, I do not feel called upon to answer that question. If I have lands, I may like my tenants to be treated as I like, I would like to have the pattom realised for the mere asking and if I cannot do that, I would, if I am allowed, like to take away the tenants' cattle or domestic utensils or furniture, sell them and realise the money. Of course, that is an advantage which every human being would like to have. The question is whether this House should allow that. I say, '*No*,' most emphatically '*No*'. It is in this connection that I say that the Sreepadom for the purposes of this Bill should be treated exactly like any private citizen. Sir, a large number of Jenmies in the State would like to have their dues collected in the same way as the Sreepadom authorities would like to have their dues collected. Are we prepared to allow them to do so? As for that matter, even in the case of Edapalli and Kilimanur, has that concession been given? Is it suggested that after all Kilimanur affairs or Edapalli affairs are not conducted as satisfactorily as Sreepadom affairs? And if that suggestion is made in any seriousness, what is there to substantiate it? Why should you assume that Sreepadom affairs are conducted better than or going to be conducted better than the Edapalli and Kilimanur affairs? There is absolutely no foundation for any belief of that kind. They are private bodies, as much citizens as anybody else. They may own extensive lands and they may collect large revenues.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): May I know from the member whether Sreepadom and Edapalli are on a par with regard to status?

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MR. A. THANU PILLAI (*Trivandrum*): It will depend on a variety of considerations. Viewed in certain respects, Edapalli may be entitled to greater consideration. In some other respects, the Sreepadom may be entitled to greater consideration. We are not on that point now and I do not wish to dilate on that.

Anyhow, Sir, I say that for the purposes of the Bill, absolutely no distinction can be made between the Sreepadom on the one hand and Edapalli and Kilimanur on the other. What is it that the advocates of this Bill have to place before this House to support their contention that Sreepadom can be trusted with much greater powers than Edappalli or Kilimanur? I do not think there is anything. The question may very well be asked, why was it that Kilimanur and Edapalli were not given this kind of power? Their officers could be very well entrusted with this power. Why should that work be done by the Government officers? I ask why should the Officers of the Government who should devote their time to the advancement of the interests of the people of Travancore spend their time in collecting the dues of the Sreepadom Palace? If it was felt to be an absolute necessity, by all means do it.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): Am I to understand from the member that he is not influenced by the undertaking given by the Law Member that only the Tahsildar's powers would be conferred upon the employees of the Sreepadom Palace?

MR. A. THANU PILLAI (*Trivandrum*): I am coming to it. I am not in the least influenced by the Law Member's undertaking. I concede I do not oppose the proposal for investing the employees of the Sreepadom Palace with the Proverthicar's powers because I am helpless in the matter at this stage. I tried my best to oppose it at an earlier stage. In these matters, Sir, I would not willingly allow even an iota of power being exercised by an employee of a private concern.

I was saying, Sir, that it is said that there is no justification for Government officers spending the time at their disposal for the sake of the Sreepadom Palace. After all, that argument was advanced by people who are anxious to exhibit particular solicitude for the welfare of the Sreepadom Palace. I may say I am not behind them in that respect. I only say that if the Sreepadom Palace is entitled to our particular respect and if they have a claim on the Government, then it is the duty of the Government to see that the pattom due to them is collected in time very promptly and efficiently and that the agency employed is under the control of the Government. Government should exercise even greater supervision and control over the officers who are charged with this duty than over the officers who are charged with their other normal functions. That is the way Government should show their particular solicitude for the welfare of the Sreepadom Palace. So, there is absolutely no reason on this ground also why the Government officers should be divested of their powers and why this power should be vested

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in the employees of the Sreepadom Palace. I may even go to the length of saying that if as a matter of policy it is felt that public money should not be spent for this purpose, let the Sreepadom authorities instead of appointing their employees pay a contribution to the Government to see that their dues are collected by the Government. I may say that such an arrangement will be more conducive to their welfare than the arrangement now proposed to be made by this amending Bill.

The question was raised how far I would be agreeable to the powers of the Tahsildars being conferred on the Sreepadom employees if the powers of the Peishkars are not conferred on them. Sir, I do not know how far I am called upon to answer that question. The Law Member in a quite unlawyer like manner told us that it was not the intention of the Government to confer the powers of Peishkars on the employees of the Sreepadom Palace although sanction for such a power also is sought for. In a legislative assembly like this I do not think that there is any room for such a statement as was made by the Law Member. The Government come and place a Bill before this House and say 'You pass this Bill into law and you may take it from us that we may not enforce the provisions of the Bill when it comes into law.' At any rate so long as there is a provision to that effect in this Bill, we must take it that they mean to do it, though not now, though not for some years, at any rate when occasion arises. In dealing with this proposal, I would be guided by the consideration that they will give effect to it as soon as it is passed into law. That is the view I take of a piece of legislation. To place before the House a legislative measure and then to ask the House to sanction the Bill in toto on the ground of an assurance from the Law Member that only portions of the Bill will be given effect to, will not be the work of any legislator. So I am to deal with the Bill as it is, that the Government want to confer the powers of the Peishkars, Tahsildars and Proverthicars on the Sreepadom employees. The learned Deputy President made the suggestion that it would be well if the Government do not insist on the powers of the Peishkars being conferred on the employees of the Sreepadom Palace.

MR. K. KUNJUKRISHNA PILLAI (*Quilon*): May I correct the member? I heard the Deputy President to say that the powers of the Peishkar should not be given either to the Sreepadom employees or to the Municipal Presidents or to the officers under the Village Panchayat Regulation.

MR. A. THANU PILLAI (*Trivandrum*): Yes, but for the purposes of this Bill, I can only take into consideration that portion of his statement that relates to the Sreepadom employees. The Law Member also told us that even though the Government had at present no idea of investing the Sreepadom employees with the powers of a Peishkar, he was not in a position to give an undertaking that they will not do it. Sir, even if he gave an undertaking, I would not attach the least value to such an undertaking. Whatever may be the views of the Deputy President in regard to that matter, I, for one, would deal with the question before me as it is, that is to say, with the amending Bill as it is and so

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have to deal with the powers of Peishkars no less than those of Tahsildars; and I believe if the Law Member says anything to the effect that the provision will be restricted to the conferment of the powers of the Tahsildar, I may yet hope to have an opportunity of further answering him. As things stand at present, I have to deal with the powers of the Tahsildars and the Peishkars. It was said by the Learned Deputy President that there will not be much harm in delegating the powers of the Tahsildars to the Sreepadom employees and if I remember aright he said that the danger would be greater if the powers of Peishkars are to be conferred upon the Sreepadom employees and such other people. My point is that there is danger even if the powers of the Tahsildars are conferred on these people.

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated, Deputy President*): I never said that.

MR. A. THANU PILLAI (*Trivandrum*); I do not quarrel with his words. That is how I understood him. He clearly said that the danger would be greater if the powers of the Peishkars are conferred on the Sreepadom employees.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): Is not the member aware that the suggestion of the Deputy President was that the danger would be less in allowing the movable properties of the defaulters being tampered with than immovable properties?

MR. A. THANU PILLAI (*Trivandrum*): I can assure my friend that I am not going to leave any point raised on the floor of the House unanswered. I have noted down everything and I will deal with all those points one after another. I am not going to resume my seat before I do it because I want to see what this House is going to do after I have explained the whole situation. My friend can rest assured that I shall not leave anything unanswered and if at the end of my speech I happen to leave any question unanswered then my friend can question me.

Sir, I may take some more time to finish my speech. Are we to continue?

PRESIDENT: You may go on.

MR. A. THANU PILLAI (*Trivandrum*): Now, Sir, in regard to the powers of the Peishkars and Tahsidars, the Deputy President seems to be under the impression that the powers of the Tahsildars may be delegated without much harm. Of course a spirit of compromise is clearly discernible in his remarks. This is not a matter in which there can be any compromise. Now, Sir, he would say after all, what are the functions of Tahsildars in regard to this matter. With regard to movable property he would content himself with the observation that much harm cannot arise. Sir, what are the facts and what are the matters that we are dealing with? The Deputy President would tell us that in regard to the attachment, distraint and sale of movable properties we need not at all be very much anxious and much harm would not result at all. Let us imagine a defaulter or one who is taken to be defaulter by the Sreepadom employee. I wonder whether with all his

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experience the Deputy President had in his mind a picture of what would take place in these circumstances, when he made the suggestion that so far as the attachment and sale of movables are concerned, we need not be very much concerned with the powers that may be conferred on the employee of the Sreepadom Palace over whom Government have absolutely no kind of disciplinary or administrative control. Sir, I for one would say I can allow my immovable property to be sold away by any man. I can go to a court of law, I can move the court to cancel the sale and get back my property. There will be loss of time and loss of money and there may be trouble involved but I can get back the property in the end. After all I can make the money that is lost in a few years. The Deputy President seems to be very much concerned with immovable property. What is the value of money by the side of the value of honour, of the honour of our home, of our womenfolk. I say the attachment of immovable properties is nothing compared with these things.

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated, Deputy President*): Will my friend kindly permit me to correct one mistake? I said as regards the attachment of movables the tenants of the Sreepadom and the tenants in other places stand on the same footing.

MR. A. THANU PILLAI (*Trivandrum*): As for the attachment of immovables also, the tenants under the Sreepadom and the tenants in other places may stand on the same footing.

Whatever that be, Sir, what is the risk that we are placing the Sreepadom tenants under by adopting this piece of Legislation? If a man is taken to be defaulter what is it that ensues?

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated, Deduty President*): Has not my friend provided for the attachment of movables by Proverthicars?

MR. A. THANU PILLAI (*Trivandrum*): I am coming to that. It is not always the proverthicar who attaches immovables. It is done by the Tahsildar.

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated, Deputy President*): But the Tahsildar does it through the Proverthicar.

MR. A. THANU PILLAI (*Trivandrum*): I may be allowed to read the relevant Section. Section 7 of the Regulation says:

> "In the seizure and sale of movable property for arrears of public revenue due on land, the following rules shall be observed".
>
> 1. The Tahsildar may distrain the property of a defaulter either in person or by a Proverthicar or any other person specially authorised by the Division Peishkar for that purpose."

Sir, the Tahsildar may distrain the property of a defaulter either in person or by a Proverthicar or any other person.

The responsibility for making that distraint is with the Tahsildar. He may depute a man to do it. But whether he does it in person or through another it is he who passes the order and as such it is he who

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takes the responsibility. Is it a slight order, Sir? Does it not make all the difference? He may send a Proverthicar. That is exactly one of the reasons why I opposed the conferment of the powers even of a Proverthicar.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): Is it obligatory on the part of the Tahsildar in distraining lands to send a Proverthicar in Government service?

MR. A. THANU PILLAI (*Trivandrum*): It is not. Anyhow I say, Sir, it is on the responsibility of the Tahsildar that is done. Now, Sir, what is it that happens if the Tahsildar is not subjected to any control of Government? The Proverthicar makes a report that a particular man has not paid his pattom and a notice is sent to him. In this connection the status, character and the capacity of the Tahsildar have to be considered. We do not know what kind of person is going to be invested with the powers of the Tahsildar. One cannot be too sure of this fact because Government cannot lay down the qualification of these officers. The Law Member may say that only those officers as answer certain qualifications will be invested with these powers. On that point I would say that I am one of those who cannot trust Government with all these powers. Legislation especially here has a very bad tendency of trusting Government with unnecessary powers. Even the power of making rules vested in Government under the Regulations is carried too far. I shall deal with that aspect of the matter later on. At any rate while on this point I would ask this House to consider what takes place when a distraint is made. He may break open the door of a house. If he is justified by law he may do anything he likes. It is in that connection that the question is now put. What will you do in the case of a Government Tahsildar? If a proper case is made against the Government Tahsildar, I can interpellate as to his conduct in this Council and I can censure Government. But what about the Sreepadom Officer who is to be invested with these powers. Suppose out of personal spite he allows the doors of the house of a certain tenant to be broken open, his movables removed and women dishonoured, what is it that Government can do. My friend the Law Member might say that he shall be divested of his powers. Are the Government in a position to dismiss that man? Have they the power to tell the Sreepadom authorities to remove that officer from service? Sir, it is not a small matter. Immovable property looms large in the eyes of Mr. Krishna Aiyangar than personal safety, liberty and honour of the poor citizen. If it is done by the Government Officer who is subject to disciplinary control of the Government he may be dismissed. But these officers are free from all manner of control from what is called Government in Travancore.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): I wish to know whether the member has considered Section 22 regarding the entry into women's apartments in connection with the attachment of properties?

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MR. A. THANU PILLAI (*Trivandrum*): I have already read that Section.

PRESIDENT: I do not think it is necessary for you to read all the Sections.

MR. A. THANU PILLAI (*Trivandrum*): Sir, in the morning we heard it said by many members that they had no occasion to go through the provisions of the Regulation.

PRESIDENT: Nobody said that. I would also tell you that too many repetitions may be avoided. I am not saying that you should not get through your speech. But your speech consists of statements made several times. That does not take one very far.

MR. A. THANU PILLAI (*Trivandrum*): I should like to be told what statements I repeated. If I do it I am so sorry. That is contrary to my usual practice. I am now told that I am repeating my arguments in my speech. If on any former occasion that matter was pointed out to me I would have corrected myself. Just now at this time when I am dealing with a very important matter, I am told that I am repeating my arguments. Anyhow, I will try to reform myself and that in my view it is a very serious matter and I take the liberty of reading the Section. It says :—

Section 21 of the Revenue Recovery Regulation, which deals with the procedure relating to the entry into apartments appropriated to women says :

> "Where a distrainer may have reason to suppose that the property of a defaulter is lodged within any apartments appropriated to women, which, by the usage of the country, are considered private, he shall, before entering such apartments, give notice, in the presence of Thadasthers, for the removal of the women from them, and furnish means for their removal in suitable manner, if they be women of rank or who according to the custom of the country, cannot appear in public, and shall also immediately remove from such apartments any property belonging to the defaulter found therein, and leave them free to the former occupants."

Sir, the previous Section, Section 20, runs thus :

> "It shall be lawful for the distrainer to enter, or if necessary, to force open and enter, any dwelling house, cow-house, grannary, godown, out-houses or other building, and he may also break open the door of any room in such dwelling-house, for the purpose of attaching property belonging to a defaulter and lodged therein :
>
> Provided that it shall not be lawful for the distrainer to enter any dwelling house or to attach any property or to put his seal to any door or place or break open or enter any apartments, in any dwelling-house, appropriated to women, which, by the usage of the country, are considered private except as hereinafter provided."

This Section provides, Sir, for breaking open any dwelling-house or other building or the door of any room, and also even apartments of women provided some preliminary formalities are conformed to. Now, Sir, who is to judge whether the officer, in a particular case, is not actuated by personal spite or malice? The officer, if he bears grudge towards a tax-payer, may break open his house and unnecessarily molest even the women there. Where is the guarantee that that

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would not be done? And, where is the remedy? In the case of the Officers of Government we have the guarantee that they would lose their appointments if they misbehave, or would be severely dealt with. And, the work is done in the interest of the people of the country.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): Is there not a provision in the Regulation, in Section 22, that officers who abuse the powers could be prosecuted?

MR. A. THANU PILLAI (*Trivandrum*): There may be provision for prosecution. But, what is the use of prosecution after the wrong has been done? In the case of Government officers, Sir, the officers would have the fear that they would be severely dealt with for misconduct; and, the people take the risk out of regard for public interest. The Government have the interest of the public in view and that would impel them to punish officers who abuse their powers. Is there, I ask, such a motive to impel the Sreepadom authorities to punish their officers for misconduct or abuse of powers? They are concerned only with the collection of their dues. There is no question of public interest involved.

MR. K. P. ABRAHAM (*Muvattupuzha* cum *Todupuzha*): Does the member think that the chance of the withdrawal of the powers, by Government, from the Sreepadom officers, would impel the Sreepadom authorities to move in the matter if their employees misbehave?

MR. A. THANU PILLAI (*Trivandrum*): My own idea is that Government will not be in a position to do anything very serious in the matter. After all, how is such misconduct to be found out? If it is a Government officer that does the mischief, the matter could be enquired into by the higher officers of the department. The Peishkar will investigate it, and even haul him up to Government through the Land Revenue Commissioner, if necessary. But, who is to investigate the misconduct, or punish the Sreepadom officer?

Where is the guarantee, I ask. There is absolutely none. Suppose the employee concerned is in the good graces of the Sreepadom authorities, is in high favour with them, he can do anything to these poor tenants with impunity. There is nothing to check him. That will be the result of investing the Sreepadom employees with this power. And the learned Deputy President would say that after all it would not matter very much in regard to movables. Sir, these are the facts. If one such instance occurs in the course of ten years, I ask in all seriousness, is it not enough to justify the refusal of passing this law? It may be answered it is necessary. It may be necessary. In the Chirayinkil taluk there are a few tenants and there are a few others in other taluks. Much harm may not arise if this power is not given.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): I wish to know from the member whether according to the Deputy President, or according to the member, the honour of women referred to in Section 21 comes also under the term 'movables'?

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PRESIDENT: That is not a question which requires an answer.

MR. E. V. KRISHNA PILLAI (*Kottarakara* cum *Kunnattur*): The Deputy President seems to have suggested that it is immaterial in the case of movables. Whether powers are abused or not on entry into women's apartments comes under this Section. Hence my question.

PRESIDENT: No answer is necessary to that question.

MR. A. THANU PILLAI (*Trivandrum*): I think in the case of movables the situation is even graver. If this is done, there is practically no remedy. There is no power of appeal. The movable is attached and sold. The Law Member would say that the party can go in revision. If the honour of women is violated, if dwelling-house is broken open, what is this right of revision, I wonder, after all this is done. Sir, to me it does not seem to be a matter that ought to be allowed. Just conceive of one instance in the course of ten or 20 years and contemplate the situation. After all, he may be a poor man, an innocent man, somewhere. When all this is done there is the right of revision to the Dewan or the Land Revenue Commissioner. I do not think it is necessary for me to pursue that point further to show how shadowy, how non-existent that power of revision is in a case like this. The Tahsildar can do everything connected with movables as the learned Deputy President said. And even if the powers of a Peishkar are conferred on the Sreepadom employee there is absolutely no remedy provided so far as this kind of conduct is concerned. Hence it is, Sir, that I lay particular emphasis on the fact that the officers who are given such powers should be subject to the disciplinary and administrative control of the Government.

It is a matter affecting the rights of citizens. It is not a light thing to give away such powers to persons over whom Government have no control. To me, it is really unthinkable. Any legislature that sanctions such a law stands condemned. Then as for immovables—

Sir, I wish to make a request. It is 5-30. I feel very weak and I want some rest. So shall we stop here?

PRESIDENT: Most of the points have been dealt with by you. I think you have practically finished.

MR. A. THANU PILLAI (*Trivandrum*): No, there are many other points to be dealt with. So, I would request the President to stop proceedings, so that, we may proceed with this matter in the next official day. Even if it is a question of having the business done, we have one more official day and that is Tuesday. I really feel very weak.

PRESIDENT: Since you say that you require rest, we shall continue this discussion on Tuesday, the next official day.

The House will now rise and meet again on Monday at 11-30 A. M.

The Council adjourned at 5-32 P. M.

P. N. KRISHNA PILLAI,
Secretary to the Legislative Council.

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